The City Council of the City of Raleigh met in regular session on Tuesday, November 5, 1985 at 1:00 p.m. in the City Council Chamber of the Raleigh Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend David Sloop, Good Shepherd Lutheran Church after which the following matters were discussed with action taken as shown.

## RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - DISABLED AMERICAN VETERANS' FORGET-ME-NOT DAY - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming November 8-11, 1985 as the Disabled Veterans' Forget-Me-Not Days in the City of Raleigh. The proclamation was accepted by George A. Jones, Commander of the Woodrow Wilson Chapter of Disabled Veterans' and Buck Carroll, Chairman of the Forget-Me-Not Day for Chapter I.

***PROCLAMATION - DIABETES MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming November as the American Diabetes Month in the City of Raleigh. The proclamation was accepted by four young members of the American Diabetes Association - Triangle Chapter, Mrs. Ellen Henson, Statewide Director and Jo Moore, President of the Triangle Chapter.

***PROCLAMATION - YOUTH APPRECIATION WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming Youth Appreciation Week in the City of Raleigh. Lawrence Butler and Michael Harris, members of the Optimist Club, were at the meeting to accept the proclamation and briefly explained the work the Optimist do with youth programs in the City.

***PROCLAMATION - FAMILY UNITY WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming Family Unity Week in the City of Raleigh. The proclamation was accepted by Amanda Bunton, Public Communications Director, Church of Jesus Christ of Latter Day Saints, as well as another member of that group.

***PROCLAMATION - ONE NATION UNDER GOD MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the month of November as One Nation Under God Month in the City of Raleigh. The proclamation was accepted by Edward Kissiah, Chaplain of the North Raleigh Exchange Club. He explained the program pointing out this is an effort undertaken by the Exchange Clubs in the nation pointing out there are nine different Exchange Clubs in Wake County.

***CONTRIBUTION - GLENWOOD AVENUE BEAUTIFICATION - FUNDS ACCEPTED

Mayor Upchurch indicated Guest Quarters recently formed a partnership with the Carl Young family to develop a luxury all suite hotel on the present site of the Kip-Dell Corporate Office on Glenwood Avenue. The letter indicated they're excited about the opportunity, as they believe that Raleigh is one of the healthiest and most attractive communities in the country, and they feel very fortunate to have the Youngs as their local partner. J. Taylor DeWeese indicated Mr. Young explained that businesses fronting on Glenwood Avenue are sponsoring a beautification program along the median, and as a new citizen along Glenwood Avenue, they would like to contribute to this effort and have enclosed a check for $1,000.00. Mayor Upchurch expressed appreciation for the contribution. Ms. Block pointed out that this is about the third contribution we have received, questioned when we are going to see the trees along Glenwood Avenue. Mayor Upchurch indicated a goal of $5,000.00 was set prior to starting the project and as of yet this goal has not been reached, but hopefully the project will be starting soon. See Ordinance 666.

***VISITOR - ANNA KELLER - RECOGNIZED

Mayor Upchurch recognized Anna Keller, wife of Councilman Walter Keller, expressing appreciation for her visiting the Council meeting.

## CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. Mr. Calloway

requested that the item relating to the Capital Economic Development Corporation Agreement be withdrawn. Ms. Block requested that the item relating to amendments to the Sedimentation Control Ordinance be withdrawn, as well as the traffic item relating to McDonald Lane. Without objection, these items were withdrawn. Mr. Congleton moved administration's recommendations on the remaining items on the Consent Agenda be withdrawn. His motion was seconded by Ms. Babb and a roll call vote resulted and all members voted in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***URBAN WATER CONSORTIUM - AGREEMENT - CITY MANAGER AUTHORIZED TO EXECUTE

Included in the 1985-86 Budget is funding to participate in a research program with the Water Resources Research Institute. This is a new program which the City Manager was involved in getting started to encourage more research on key urban water issues. A copy of the agreement was included in the Agenda packet.

Recommendation: Approval of the agreement and authorization for the City Manager to execute on behalf of the City of Raleigh. Consent Agenda approval: Congelton/Babb - 8 ayes.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - REFERRED TO NOVEMBER 21 WORK SESSION

The Council has been receiving a semiannual report from this Committee. A copy of the request for the next report was included in the Agenda packet. Consent Agenda approval: Congelton/Babb - 8 ayes.

***MEMORIAL AUDITORIUM - RENTAL RATES - CHANGE AUTHORIZED

The Civic Center Authority has approved a revision in rental rates for the Auditorium. The change would increase the base rent from $850 to $1,000 per performance. This adjustment would be applicable to "for-profit" type rental groups. The rental rate of $850 would remain the same for "non-profit" groups. The policy of continuing to charge the greater amount of twelve percent gross ticket sales or the base rents would continue to apply for all uses. Consent Agenda approval: Congelton/Babb - 8 ayes.

***COMMUNITY DEVELOPMENT - HOUSING - FUNDS APPROVED: DESIGN FIRM RECOMMENDATION TO BE MADE TO COUNCIL

The City has been working with NCSU which owns a twelve-acre tract in Southeast Raleigh to determine if it is a good site for low-moderate housing. The University has requested that the City prepare a preliminary land use plan for the site. This is a desirable step prior to the discussion of development and purchase.

Recommendation: That the Council approve a transfer of $5,000.00 as outlined on the Agenda with the understanding a recommended design firm will be submitted to the Council for approval. Consent Agenda approval: Congelton/Babb - 8 ayes. See Ordinance 653 TF 8.

***CD - SALE OF DWELLING AT 111 SOUTH HAYWOOD STREET - APPROVED

This structure has been rehabilitated by the City and the Council approved a minimum sales price of $40,000. The bid process has been concluded and Richard and Margaret Moore have offered $40,000 for the house. Consent Agenda approval Congelton/Babb - 8 ayes.

***FULLER HEIGHTS SITE ACQUISITION - RESOLUTIONS RELATING TO LAND SALE ADOPTED

The Council has previously approved the purchase of this ten-acre site. In closing this transaction, the owners desire that the Council approve two resolutions involving the method of sale of this property. These two resolutions were included in the Agenda packet. Consent Agenda approval Congelton/Babb - 8 ayes.

RESOLUTION NO. (1985) 975

RESOLUTION AUTHORIZING ACCEPTANCE OF DEED TO PROPERTY FROM LEVIN INVESTMENT COMPANY

WHEREAS, Levin Investment Company, a North Carolina general partnership is the owner of 4.288 acres of real property (the "property") located in Caraleigh Fuller Heights Community, in Raleigh, Wake County, North Carolina, as more particularly described on Exhibit "A", which is attached hereto; and

WHEREAS, the City of Raleigh desires to acquire the property for use in a private sector housing program and the City Council has previously approved and obtained soil borings to assure site suitability for housing; and

WHEREAS, the City of Raleigh has obtained an appraisal of the property from Walter R. Clifton, M.A.I., S.R.P.A., stating that the property has a total value of approximately $25,000.00 per acre; and

WHEREAS, Levin Investment Company has indicated that it is willing to donate the said 4.288 acres to the City of Raleigh;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

That, pursuant to authority duly conferred upon the City of Raleigh, the real estate department of the City of Raleigh is hereby authorized to accept a deed of gift for the aforesaid property from Levin Investment Company.

The foregoing resolution was adopted by the City Council of the City of Raleigh, North Carolina, on the 5 day of November, 1985.

s/s Gail Smith
City Clerk

Adopted: 11/5/85

EXHIBIT A

BEGINNING at a new concrete monument located at the intersection of the southern margin of Grissom Street and the western margin of Fuller Street, and running thence with the western margin of Fuller Street South 00 degrees, 02 minutes, 33 seconds East, 212.25 feet to an iron pipe; thence South 89 degrees, 57 minutes, 27 seconds West, 798.35 feet to an iron pipe in the eastern margin of Duffy Place; thence with the eastern margin of Duffy Place, along a curve to the left having a delta angle of 39 degrees, 33 minutes, 40 seconds, a radius of 385.61 feet, and an arc length of 117.48 feet to an iron pipe; thence North 50 degrees, 23 minutes, 46 seconds East 350.00 feet to an iron pipe in the southern margin of Grissom Street; thence with the southern margin of Grissom Street, along a curve to the left having a delta angle of 50 degrees, 26 minutes, 19 seconds, a radius of 306.12 feet, and an arc length of 269.48 feet to an iron pipe; thence continuing along the southern margin of Grissom Street North 89 degrees, 57 minutes, 27 seconds East, 352.50 feet to the point and place of BEGINNING, containing 4.288 acres, more or less, according to a survey prepared by Boney & Associates, Inc., dated October 18, 1985, and bearing Drawing No. L-32-P.

RESOLUTION NO. (1985) 976

RESOLUTION AUTHORIZING PURCHASE OF PROPERTY FROM LEVIN INVESTMENT COMPANY

WHEREAS, Levin Investment Company, a North Carolina general partnership is the owner of 6 acres of real property (the "property") located in Caraleigh Fuller Heights Community, in Raleigh, Wake County, North Carolina, as more particularly described on Exhibit "A", which is attached hereto; and

WHEREAS, the City of Raleigh desires to acquire the property for use in a private sector housing program and the City Council has previously approved and obtained soil borings to assure site suitability for housing; and

WHEREAS, the City of Raleigh has obtained an appraisal of the property from Walter R. Clifton, M.A.I., S.R.P.A., stating that the property has a total value of approximately $25,000.00 per acre; and

WHEREAS, Levin Investment company has indicated that it is willing to sell the said 6 acres of the property to the City for a purchase price of One Hundred Fifty Thousand Dollars ($150,000.00) in cash;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

That, pursuant to authority duly conferred upon the City of Raleigh, the real estate department of the City of Raleigh is hereby authorized to purchase from Levin Investment Company the 6 acres of the property described above at a total price of $150,000.00, in cash.

The foregoing resolution was adopted was adopted by the City Council of the City of Raleigh, North Carolina, on the 5th day of November, 1985.

Adopted: 11/5/85

EXHIBIT A

BEGINNING at a new concrete monument located at the intersection of the western margin of Fuller Street and the northern margin of Prospect Street (unopened), bearing NC Grid Coordinates N = 732,718.19, and E = 2,103,576.33, and running thence with the northern margin of Prospect Street South 89 degrees, 57 minutes, 27 seconds West, 770.00 feet to a new concrete monument; thence with the eastern margin of Duffy Place North 00 degrees, 02 minutes, 33 seconds West, 192.64 feet to an iron pipe; thence continuing with the eastern margin of Duffy Place, along a curve to the left having a delta angle of 39 degrees, 33 minutes, 40 seconds, a radius of 385.61 feet, and an arc length of 148.77 feet, to an iron pipe; thence North 89 degrees, 57 minutes, 27 seconds East, 798.35 feet to an iron pipe in the western margin of Fuller Street; thence along the western margin of Fuller Street South 00 degrees, 02 minutes, 33 seconds East, 337.75 feet to the point and place of BEGINNING, containing 6.00 acres, more or less, according to a survey prepared by Boney & Associates, Inc., dated October 18, 1985, and bearing Drawing No. L-32-P.

***STATE FAIR HOUSE - FUNDS APPROPRIATED: GRANT TO DHIC AND SALE OF LOTS APPROVED

For the past two years, the City has participated in the locating of the house built at the State Fair and its purchase by a low-income family. This year, it is proposed that the City participate by providing a grant to DHIC of $11,000 and selling Lots B-11-24 and B-11-25 (11 and 13 Bladen Street). Under this arrangement, DHIC would bid on the purchase of the lots and use a part of the $11,000 to purchase the lots from the City. The remainder would be provided to the low-income family as a no-interest second mortgage. Consent Agenda approval Congelton/Babb - 8 ayes. See Ordinance 653 TF 8.

***COMMUNITY DEVELOPMENT - DESIGN FOR STREET AND UTILITY IMPROVEMENTS ON EAST CABARRUS AND SOUTH HAYWOOD STREET - BID AWARDED TO BONEY AND ASSOCIATES - FUNDS APPROPRIATED

Included in the current work program are street and utility improvements for East Cabarrus Street and South Haywood Street. Proposals for design services have been solicited. Two responses were received from:

Boney and Associates
Triangle Engineering

Recommendation: Retention of the firm of Boney and Associates, and approval of a transfer of funds in the amount of $24,900 and approval to execute an agreement for these services. Consent Agenda approval Congelton/Babb - 8 ayes. See Ordinance 653 TF 8.

***BOND - RESOLUTION OF REISSUANCE - ADOPTED

A report is included in the Agenda packet indicating that a firm has lost a $15,000 City bond. There are provisions for replacement of the bond. This involves the Council approving, in resolution form, the reissuance of that lost certificate. Consent Agenda approval Congelton/Babb - 8 ayes.

RESOLUTION NO. (1985) 977

A RESOLUTION TO AUTHORIZE THE REPLACEMENT OF LOST BOND NUMBER R-1090, ISSUED APRIL 1, 1985

WHEREAS, Parking Facilities Obligation Bond No. R-1090 was issued by the City of Raleigh on April 1, 1985; and

WHEREAS, Bond No. R-1090 is fully registered in the name of Wheat First Securities, Inc., and

WHEREAS, Bond No. R-1090 was last in the custody of Wheat First Securities, Inc., serving as custodian for the registered owner; and

WHEREAS, Replacement of Bond No. R-1090 will cause no additional obligation to accrue to the City and will allow the registered owner of the Bond to realize the full potential of its investment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the Wachovia Bank and Trust Company, N.A., Corporate Trust Department as paying agent for the City, is hereby authorized to reissue and replace Raleigh's Parking Facilities Obligation Bond No. R-1090 in the amount of $15,000 dated April 1, 1985, 8.40% interest.

Adopted: 11/5/85

Effective: 11/5/85

***GRANT APPLICATIONS - LITERACY GRANT - APPROVED: RSVP VOLUNTEER PROGRAM GRANT - APPROVED WITH CONDITION

Grant funds are being made available to strengthen volunteer literacy programs. The Wake County Literacy Council has requested to work with our RSVP Program to obtain a grant.

An application for a one-time grant of $5,000 has been prepared. No additional City funds other than budgeted are required.

Recommendation: Approval of the grant application. Consent Agenda approval Congelton/Babb - 8 ayes.

The Junior League of Raleigh has indicated a willingness to consider a grant application from the City for the purpose of setting up a program to facilitate the use of services of Retired Executives by community, charitable agencies.

A one-time grant application of $15,000 has been developed and a copy is included in the Agenda packet. No additional City funds are involved.

Recommendation: That Council approve the grant application with the stipulation that this program will not involve City funding. Consent Agenda approval Congelton/Babb - 8 ayes.

***STREET CLOSING - KING ROAD - RESOLUTION OF INTENT ADOPTED

The City has been petitioned to close a portion of King Road. A map was included in the Agenda packet. This is the northern, undeveloped portion of 54.21 feet. The right-of-way is unimproved and has no utilities.

Recommendation: That the Council adopt a Resolution of Intent to close the subject right-of-way and set a date of December 3, 1985, for a public hearing. Consent Agenda approval Congelton/Babb - 8 ayes.

RESOLUTION NO. (1985) 978

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF KING ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

The northern undeveloped 54.21 feet of King Road which runs along the rear property lines of Joel H. Miles, G. B. Harvin and Bertha Pennington Lloyd.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, December 3, 1985 in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh onces a week for four consecutive weeks.

Adopted: 11/5/85

***STREET CLOSING - OLD MILL STREAM COURT - RESOLUTION OF INTENT ADOPTED

The City has received a petition to close Old Mill Stream Court. This is a short cul-de-sac which extends off Sheldon Drive in a new subdivision. A map was included in the Agenda packet. The street was originally recorded as part of the subdivision for the development of the property. The owner-developer now finds that the street needs to be relocated. This action is necessary to accommodate the needs of the developer and all the realignment is on his property.

Recommendation: That the Council adopt a Resolution of Intent to close Old Mill Stream Court as shown on the map entitled, "Sheldon Drive, Phase I," and authorize a public hearing to be held on December 3, 1985. Consent Agenda approval Congelton/Babb - 8 ayes.

RESOLUTION NO. (1985) 979

A RESOLUTION OF INTENT TO CONSIDER CLOSING OLD MILLSTREAM COURT RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General statute 160A-299, intends to close permanently the following street right-of-way:

Old Millstream Court, a 200 foot street with cul-de-sac, shown on map dated May 29, 1985; Book of Maps 1985, Page 929, available in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday December 3, 1985, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 11/5/85

RECOMMEND: Hub-Stinnette Uniforms, Inc.

| | | |
|---|---|---|
| Group II: | Trousers and Jackets | |
| | American Uniforms, Inc. | $57,001.00 |
| | Hub-Stinnette Uniforms, Inc. | 57,770.00 |
| | Roberts Uniforms | 70,625.00 |

RECOMMEND: American Uniforms, Inc.

Recommendation: A joint award to Hub-Stinnette Uniforms, Incorporated and American Uniforms, Incorporated. Consent Agenda approval Congelton/Babb - 8 ayes.

***BID REQUEST 85-27 - TRUCKS - JOINT AWARD TO BOBBY MURRAY CHEVROLET, CAPTIAL FORD, INCORPORATED, NORTH STATE FORD TRUCK SALES, AND SIR WALTER CHEVROLET.

Pursuant to advertisement as required by law bids received and publicly opened in the office of the Purchasing Agent on October 23, 1985, for various trucks with results as follows:

Trucks

ITEM 1 - Pickup ½ ton Compact

| | |
|---|---|
| Capital Ford, Inc. | $ 7,147.61 |
| Bobby Murray Chevrolet | 7,686.91 |
| North State Ford Truck Sales | 7,799.95 |

RECOMMEND: Capital Ford, Inc.

ITEM 2 - Pickup ½ ton - 4 wheel Drive

| | |
|---|---|
| North State Ford Truck Sales | $ 9,333.90 |
| Bobby Murray Chevrolet, Inc. | 9,413.92 |

RECOMMEND: North State Ford Truck Sales

ITEM 3 - Pickup - Standard - ½ ton

| | |
|---|---|
| Bobby Murray Chevrolet | $ 7,438.99 |
| Sir Walter Chevrolet | 7,519.38 |
| North State Ford Truck Sales | 7,746.00 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

ITEM 4 - Pickup - Standard - 4 wheel Drive

| | |
|---|---|
| Bobby Murray Chevrolet, Inc. | $10,158.61 |
| North State Ford Truck Sales | 10,253.00 |
| Sir Walter Chevrolet | 10,266.75 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

ITEM 5 - Cab and Chassis - 3/4 ton 131" wheelbase

| | |
|---|---|
| Sir Walter Chevrolet | $ 9,660.64 |
| Bobby Murray Chevrolet, Inc. | 9,664.08 |
| North State Ford Truck Sales | 9,735.00 |

RECOMMEND: Sir Walter Chevrolet

ITEM 6 - Cab and Chassis 3/4 ton - 4 wheel Drive

| | |
|---|---|
| Sir Walter Chevrolet | $10,877.89 |
| Bobby Murray Chevrolet, Inc. | 11,799.19 |
| North State Ford Truck Sales | 11,844.00 |

RECOMMEND: Sir Walter Chevrolet

ITEM 7 - Pickup Truck - 3/4 ton Crew Cab - 164" W.B.

| | |
|---|---|
| Bobby Murray Chevrolet, Inc. | $10,861.38 |
| North State Ford Truck Sales | 11,542.50 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

ITEM 7A- 4-wheel Drive Utility Vehicle

| | |
|---|---|
| Bobby Murray Chevrolet, Inc. | $11,314.29 |
| Capital Ford, Inc. | 11,894.60 |
| North State Ford Truck Sales | 11,998.75 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

ITEM 8 - Cab and Chassis - 1 ton Crew Cab

| | |
|---|---|
| Bobby Murray Chevrolet, Inc. | $11,207.50 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

ITEM 9 - Cab and Chassis, 20,000 GVW 60" C.A.

| | |
|---|---|
| Bobby Murray Chevrolet, Inc. | $15,866.75 |
| North State Ford Truck Sales | 16,049.00 |
| Capital Ford, Inc. | 16,886.90 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

ITEM 10 - Cab and Chassis 20,000 GVW 120" C.A.

| | |
|---|---|
| Bobby Murray Chevrolet, Inc. | $16,062.00 |
| North State Ford Truck Sales | 16,170.50 |
| Capital Ford, Inc. | 17,341.20 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

ITEM 11 - Cargo Van - ½ ton

| | |
|---|---|
| Sir Walter Chevrolet | $ 9,129.48 |
| Bobby Murray Chevrolet, Inc. | 9,145.48 |
| Capital Ford, Inc. | 9,250.60 |
| North State Ford Truck Sales | 9,396.25 |

RECOMMEND: Sir Walter Chevrolet

ITEM 12 - Fifteen Passenger Van

| | |
|---|---|
| Capital Ford, Inc. | $13,721.40 |
| North State Ford Truck Sales | 14,794.95 |

RECOMMEND: Capital Ford, Inc.

ITEM 13 - Carryall Vehicle

| | |
|---|---|
| Sir Walter Chevrolet | $10,563.85 |
| Bobby Murray Chevrolet, Inc. | 10,600.80 |

RECOMMEND: Sir Walter Chevrolet

ITEM 14 - Pickup - 1 ton 4 wheel Drive

| | |
|---|---|
| Bobby Murray Chevrolet, Inc. | $12,767.01 |
| North State Ford Truck Sales | 13,597.00 |

RECOMMEND: Bobby Murray Chevrolet, Inc.

RECOMMENDATION:

| | |
|---|---|
| ITEMS 5, 6, 11 and 13 | Sir Walter Chevrolet |
| ITEMS 3, 4, 7, 7A, 8, 9, 10 and 14 | Bobby Murray Chevrolet, Inc. |
| ITEM 2 | North State Ford Truck Sales |
| ITEM 1 and 12 | Capital Ford, Inc. |

Recommendation: That a joint award be made to Capital Ford Incorporated, North State Ford Truck Sales, Bobby Murray Chevrolet, and Sir Walter Chevrolet, as outlined. Consent Agenda approval Congelton/Babb - 8 ayes.

***BID REQUEST 58-28 - CRAWLER TYPE HYDRAULIC EXCAVATOR - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on October 23, 1985, for a crawler type hydraulic excavator, less trade, with results as follows: North Carolina Equipment Company - $89,945; A. E. Finley and Associates - $93,750; R. W. Moore Equipment Company - $97,770; Spartan Equipment Company - $98,785; J. W. Burgess, Incorporated - $105,000; Gregory Poole Equipment Company - $106,107.40; Mitchell Distributing Company, $106,126.

Recommendation: Administration recommends the low bid submitted by North Carolina Equipment Company be awarded. Consent Agenda approval Congelton/Babb - 8 ayes.

***BID REQUEST 85-30 - WATER METERS - BID AWARDED TO NEPTUNE WATER METER COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on October 23, 1985, for water meters with results as follows:

Water Meters

ITEM 1 - 3600 - 5/8" Water Meters

| | |
|---|---|
| Neptune Water Meter Co. | $ 23.00 ea |
| Rockwell International | 26.25 ea. |

ITEM 2 - 500 - 1" Water Meters

| | |
|---|---|
| Neptune Water Meters | $ 58.00 ea. |
| Rockwell International | 63.40 ea. |

ITEM 3 - 70 - 1½" Water Meters

| | |
|---|---|
| Neptune Water Meter Co. | $160.00 ea. |
| Rockwell International | 173.40 ea. |

ITEM 4 - 50 - 2" Water Meters

| | |
|---|---|
| Neptune Water Meter Co. | $200.00 ea. |
| Rockwell International | 252.75 ea. |

Recommendation: Administration recommends the low bid submitted by Neptune Water Meter Company be awarded. Consent Agenda approval Congelton/Babb - 8 ayes.

***BID REQUEST 85-31 - SKID STEER LOADER - BID AWARDED TO TRIANGLE EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on October 23, 1985, for a Skid Steer Loader with results as follows: Triangle Equipment Company - $15,121; Mobilift Equipment, Incorporated $16,119.04.

Recommendation: Administration recommends the low bid submitted by Triangle Equipment Company be awarded. Consent Agenda approval Congelton/Babb - 8 ayes.

***BID REQUEST 85-32 - TRAFFIC SIGN POSTS - BID AWARDED TO U.S. STANDARD SIGN COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on October 23,. 1985, for various length traffic sign posts with the results as follows: U.S. Standard Sign Company - $10,929; Vulcan Signs, Incorporated - $11,066; Korman Signs - $11,207; Hall Signs - $12,496.

Recommendation: Administration recommends the low bid submitted by U.S. Standard Sign Company. Consent Agenda approval Congelton/Babb - 8 ayes.

***BID REQUEST 85-33 - SIGN BLANKS - BID AWARDED TO VULCAN SIGNS, INCORPORATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on October 23, 1985, for assorted sizes of sign blanks, with results as follows: Vulcan Signs, Incorporated - $10,024.54; American Highway Signs Incorporated - $10,058.50; Hall Signs, Incorporated - $10,391.50; U.S. Standard Sign Company - $10,785.20.

Recommendation: Administration recommends the low bid submitted by Vulcan Signs, Incorporated be awarded. Consent Agenda approval Congelton/Babb - 8 ayes.

***BID REQUEST 85-34 - MODULAR OFFICE FURNITURE - BID AWARDED TO ALFRED WILLIAMS AND COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on October 23, 1985, for modular office furniture with Alfred Williams and Company submitting the only bid in the amount of $19,797.24. It was pointed out this request is for office furniture that is adaptable to the existing furniture, and this company is the only dealer in this area offering the furniture.

Recommendation: Administration recommends the bid submitted by Alfred Williams and Company be awarded. Consent Agenda approval Congelton/Babb - 8 ayes.

***P.U. 1985-26 - HILLSBOROUGH STREET AND P.U. 1985-27 - SOUTH WILMINGTON STREET - RESOLUTION OF INTENT ADOPTED

P.U. 1985-26 calls for the installation of approximately 5,700 feet of twelve inch water main to be installed from Hillsborough Street and Western Boulevard to an existing eight inch water main located in Bashford Road at an estimated cost of $188,100, with assessments on a per front footage basis.

P.U. 1985-9 - 27 calls for the installation of approximately 220 feet of eight inch sewer main to be installed at 3411 South Wilmington Street, just south of Sherwee Drive and north of Circle Lane, with lines serving from the rear at an estimated cost of $8,000. Assessment will be on the per foot basis.

Recommendation: It is recommended that the Council adopt a resolution of intent and schedule a public hearing on December 3, 1985, to consider these two projects. Consent Agenda approval Congelton/Babb - 8 ayes.

RESOLUTION NO. (1985) 980

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(a) PU 1985-26 - Installation of approximately 5,700 feet of 12 inch water main from Hillsborough Street and Western Boulevard to an existing 8 inch water main located in Bashford Road.

(b) PU 1985-27 - Installation of 220 feet of 8 inch sewer main in 3411 South Wilmington Street just south of Sherwee Drive and north of Circle Lane with lines serving from rear.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 3rd day of December, 1985, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: November 5, 1985

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code relating to loading zone on Pershing Road, no parking zones on Chamberlain and Gorman Streets, and Green Road, speed limits on Strickland Road, stop sign installation, yield sign installations, and the change of yield signs to stop signs in certain locations.

Recommendation: Administration recommends approval of the traffic changes as outlined on the Agenda. Consent Agenda approval, Congelton/Babb - 8 ayes.

ORDINANCE NO. (1985) 654

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That traffic Schedule No. 2 entitled "STOP SIGNS" be amended by adding the following:

Betterton Drive at Mardella Drive
Bilyeu Street at Barbour Drive
Breckenridge Avenue at Westbrook Road
Jefferson Street at Filmore Street
Quinby Court at Betterton Drive

Section 2. That Traffic Schedule No. 3 entitled "YIELD SIGNS" be amended by adding the following:

Meadow Ridge Road at Sue Ellen Drive

Amend said Schedule further by deleting the following:

Jefferson Street at Filmore Street

Section 3. That Traffic Schedule No. 5A4 entitled "55 MILES PER HOUR SPEED ZONES" be amended by deleting the following:

Strickland Road in its entirety

Section 4. That Traffic Schedule No. 5A4 entitled "45 MILES PER HOUR SPEED ZONES" be amended by adding the following:

Strickland Road in its entirety

Section 5. That Traffic Schedule No. 13 entitled "NO PARKNG" be amended by adding the following:

Chamberlain Street, both sides, from Bedford Avenue northward 75 feet
Gorman Street, east side, from Marcom Street, southward 100 feet
Green Street, both sides, from Kilcullen Drive to Spring Forest Road
Green Road, west side, from New Hope Church Road to Kilcullen Drive

Amend said Schedule further by deleting the following:

Gorman Street, east side, from Marcom Street, southward 50 feet
Green Road, west side, beginning at a point 400 feet south of Brockton Drive, southward 25 feet

Section 6. That Traffic Schedule No. 17 entitled "LOADING ZONES" be amended by adding the following:

Pershing Road, south side, beginning at a point 158 feet east of Gavin Street, eastward 100 feet

Section 7. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. That this Ordinance shall become effective November 12, 1985.

Adopted: 11/5/85

Effective: 11/12/85

***END OF CONSENT AGENDA***

***CAPITAL ECONOMIC DEVELOPMENT CORPORATION AGREEMENT - PROPOSED AMENDMENT - APPROVED

It is proposed that the agreement between the City and CEDCO be amended to allow them to make loans to businesses in an area larger than the Community Development target area and to add provisions to assure that loans would achieve the guidelines necessary for an eligible Community Development Block Grant Program. A copy of the amendment provisions was included in the Agenda packet.

Recommendation: Approval of the amendments to the CEDCO agreement.

Mr. Calloway indicated he pulled this item from the Consent Agenda, explaining he read through the text, but could not exactly understand what this expansion of the boundaries will include. Lee Butzin briefly explained the expanded boundaries. Ms. Block indicated she had a question also, as she wanted to know why we were expanding the boundaries. City Manager Benton indicated they felt the function of CEDCO would be served better by giving a broader opportunity for business groups to benefit, explaining we were just in the CD area and it was felt that that was a fairly restricted area, and it should be expanded. Ms. Block indicated she thought the whole idea was to improve things in the CD area with City Manager Benton indicating that is true. It was explained with the new housing in that area most of the commercial area will become residential with City Manager Benton explaining as we begin the improvement process there will be some change of land use and the businesses may be relocated to other parts of town, so the boundary of the service area should be expanded. Ms. Block also questioned why someone from Durham is on the board of directors.

J. Henry Brown, President of CEDCO, indicated CEDCO is a two-fold operation. He indicated they utilize the business to work with small and large businesses. He indicated the large business loans are funneled through the Federal Government and that has nothing to do with the small business loans, and the Board of Directors oversees both operations. City Manager Benton indicated the City has complete control over loans utilizing City subsidy as any loan has to be reviewed by City personnel. He indicated we do not just turn the money over to them as the money has to be monitored. He stated there is a strong accounting system that makes sure any loan that is processed using City money is under the guidelines approved by the City. Mr. Calloway moved approval of the amendments as presented. His motion was seconded by Mr. Walters, and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SEDIMENTATION CONTROL ORDINANCE - PROPOSED AMENDMENTS - PUBLIC HEARING AUTHORIZED

The North Carolina Sedimentation Control Commission has revised the standards for local sedimentation programs and has required that such changes be translated into all local government ordinances. A public hearing is required. Included in the Agenda packet was a proposed Code change.

Recommendation: That Council approve the items for the November zoning hearings.

Ms. Block indicated she had pulled this item from the Agenda, but had her questions answered; therefore, she has no further questions. City Manager Benton presented Council Members with a re-drafted change pointing out minor corrections have been made. Ms. Cates moved the manager's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TRAFFIC CHANGES - MCDONALD LANE - APPROVED

The Department of Transportation recommends that No Stopping or Standing regulations be established along McDonald Lane between Oberlin Road and Colonial Road in conformance with proposed plans for the paving, curb and guttering, and development of the adjacent church property and in conformance with the proposed, limited angle parking to be provided on the west side of the street adjacent to the church.

It is proposed that some parking be allowed on this street to service the church activities but that all loading and unloading activities related to the church and church school would take place off-street. Parking, loading, and unloading would be prohibited along the entire east side of McDonald Lane in the block in question and in two sections along the west side of the street:

(a) From 150 feet south of Oberlin Road, southward 276 feet, and

(b) From 550 feet south of Oberlin Road, southward to Colonial Road.

(The restrictions would become effective after street reconstruction.)

Ms. Block indicated she pulled this item from the Consent Agenda, indicating she does not understand the proposed changes. City Manager Benton, utilized on a map available at the meeting, pointed out the changes as suggested. Ms. Cates indicated this proposal has gone through a committee of the citizens and committee representing White Memorial Church and everyone is very pleased with the recommendations. Ms. Block moved approval of the traffic changes as outlined. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 655

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Traffic Schedule No. 14 entitled "NO STOPPING OR STANDING" be amended by adding the following:

McDonald Lane, east side, from Oberlin Road to Colonial Road

McDonald Lane, west side, from 150 feet south of Oberlin Road, southward 276 feet

McDonald Lane, west side, from 550 feet south of Oberlin Road, southward to Colonial Road

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective following completion of street construction.

Adopted: 11/5/85

Effective: See Section 3

SPECIAL ITEMS

***TC-2-85 - GRADING PERMITS - ORDINANCE ADOPTED

During the Report and Recommendation of the Public Works Committee at the Council Meeting on October 1, the Public Works Committee recommended approval of TC-2-85 as advertised. At that point, it was agreed to hold the item and place it on the October 15, Agenda for consideration. At the October 15 meeting, it was agreed to defer action on this item and place it on the November 5, Agenda.

Ms. Block moved that TC-2-85 be approved as advertised, and as recommended by the Public Works Committee. Her motion was seconded by Mr. Calloway. Ms. Block indicated she has given Council Members some information several times about what will happen down the road if we do not take some actions relative to how grading permits are issued. Ms. Babb indicated Penny Greene is in the audience, and she has spent a lot of time following this through. She stated as a point of personal privilege she would like to ask Ms. Greene some questions. Without objection this was agreed to. Ms. Babb indicated she knew that Ms. Greene had had a lot of initial concerns, and questioned her assessment of the proposal as being recommended, and whether she felt it does the things that needs to be done. Ms. Greene indicated there will be some problems down the road. She pointed out there are correct ways to do a text change. She pointed out earlier in the Agenda today the City Council authorized a public hearing to consider revisions to the soil erosion ordinance, and she does not feel that those proposed revisions have been addressed as to how they would be affected by this proposed text change. Ms. Block indicated she did not feel that the change on the Agenda today has anything to do with Text Change-2. She indicated the proposed revision to the Soil Erosion Ordinance just makes us in compliance with State Law. She stated she feels the advantages of having TC-2 in

place would override any disadvantages down the road. She stated this is something that has had great abuse by some developers, and she sees why some of them would want it delayed. She stated we do need to expedite our site plan approval process, but pointed out now lots are being denuded completely prior to any discussion of the site plan. Ms. Cates indicated sometimes we want to make changes, when we see a site plan, but by the time the City Council gets the site plan the grading has already been done and there is no opportunity for changes. After other discussion the motion as stated was put to a vote, and passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 656 TC 248

AN ORDINANCE RELATING TO LAND-DISTRIBUTING ACTIVITY PERMITS IN SITE PLAN APPROVAL ZONING DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. The second paragraph of section 10-2022(3) which immediately follows subsection (g) of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

> "After approval, a a copy of the approved plan shall be filed with the department of inspections and no building or grading permits shall be issued except in conformity with the plan. But nothing herein shall prevent the otherwise lawful grading of street, utility, or other improvements shown on subdivisions approved pursuant to Chapter 3 of this Part.".

Section 2. Raleigh City Code sections 10-2027(2), 10-2033.1(b), 10-2035(b), 10-2038(b), 10-2042.1(b), and 10-2043(3)b be amended by inserting the words "or grading" in the second sentence following the word "building" and preceding the word "permit". Said sections are further amended to add a new sentence which shall follow the amended second sentence, and said new sentence shall read as follows:

> "Nothing herein shall prevent the otherwise lawful grading of street, utility, or other improvements shown on subdivisions approved pursuant to Chapter 3 of this Part.".

Section 3. Raleigh City Code section 10-2044.1(b) be amended by inserting the words "or grading" in the third sentence following the word "building" and proceeding the word "permit". Said section is further amended to add a new sentence which shall follow th amended third sentence and said new sentence shall read as follows:

> "Nothing herein shall prevent the otherwise lawful grading of street, utility, or other improvements shown on subdivisions approved pursuant to Chapter 3 of this Part.".

Section 4. Raleigh City Code section 10-2045.1(5)c be amended by inserting the words "or grading" in the first sentence following the word "building" and preceding the word "permits". Said section is further amended to add a new sentence which shall follow the amended first sentence, and said new sentence shall read as follows:

> "Nothing herein shall prevent the otherwise lawful grading of street, utility, or other improvements shown on subdivisions approved pursuant to Chapter 3 of this Part.".

Section 5. Section 10-6032(f) of the Raleigh City Code is hereby amended to make the following editorial changes:

1. A catchline "(1) Permits required." be added to the beginning of the first paragraph.

2. The numbered subsections 1. through 4. following the first paragraph be relettered subsections a. through d. respectively.

3. The third from the last paragraph be relocated to follow subsection 10-6032(f)(1)d.

4. The second full paragraph concerning financial responsibility ownership forms be relocated to follow subsection 2. concerning borrow or waste disposal activity; a catchline which needs "(4) Financial responsibility and appointment of agents." be added to the beginning of this relocated paragraph.

5. Two catchlines are added to the third paragraph which contains two sentences; the first catchline is to appear immediately before the beginning of the first sentence and it shall read: "(2) Soil erosion and sedimentation plans prior to grading required.". The second catchline is to appear immediately before the beginning of the second sentence of said paragraph and it shall read: "(3) Land area calculated.".

6. A catchline which reads: "(6) Notification of work initiated." be inserted immediately before the beginning of the next to the last paragraph.

(7) A catchline which reads: "(7) Duration of land-disturbing activity permits." be inserted immediately before the beginning of the last paragraph.

Section 6. Section 10-6032(f) of the Raleigh City Code as herein amended is hereby amended to add a new subsection which shall read as follows:

"(5) Land-disturbing restrictions where site plan approval is required. Within all conditional use district zones and within all general use district zones for which a site plan is required, no land-disturbing activity shall be authorized except in conformity with the approved plan for that tract. But nothing in this subsection shall prevent the otherwise lawful grading of street, utility, or other improvements shown on subdivisions approved pursuant to Chapter 3 of this Part.".

Section 7. Section 10-6032(f) is hereby amended to add a cross-reference to follow the last paragraph thereof which shall read as follows:

"Cross-reference. Demarcation of restricted land-disturbing activities §10-6035(f).".

Section 8. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 10. if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 12. This ordinance shall become effective five days following it's adoption.

Adopted: 11/5/85

Effective: 11/10/85

***REZONING Z-116-85 - FALLS OF THE NEUSE ROAD - REZONED TO OFFICE AND INSTITUTION-III - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2.8 acres from Residential-4 to Office and Institution-III. CR-5811 from the Planning Commission recommended that the request be approved. During the October 1 and October 15 Council Meetings, at the request of Mr. Congleton, it was agreed to defer action and place the item on this Agenda for consideration. Mr. Congleton moved the Planning Commission's recommendation to approve the rezoning request be upheld. This motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Ms. Block, who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 657-ZC-172.

***SUBDIVISION S-178-85 - OAK POINT CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITION; SOIL EROSION DIVISION TO MONITOR DEVELOPMENT

This was a request for approval to subdivide, as a cluster unit development, a 26.96 acre undeveloped tract, zoned Residential-4, into 90 lots. The property is located at the intersection of Dickens Drive and Calvert Road, just north of New Bern Avenue and adjacent to Enloe High School, inside the City Limits.

CR-5849 from the Planning Commission recommended that this request be approved according to a map drawn by Penny Greene and Associates, dated September 27, 1985, property owned by Dwight Stone, with the following conditions:

1. That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's office prior to the recording of the final plat; and,

2. That a variance be approved to allow a dead end drive greater than 800 feet in length.

At the October 15 meeting, Mr. Walters expressed concern about access to the property and at his request it was agreed to place this subdivision on this Agenda for consideration.

Mr. Walters explained the plan pointing out the developers have been able to sacrifice one lot and give ingress and egress on to Calvert Drive. He explained the plan in full and the points of ingress and egress. He stated in addition the soil erosion ordinance that is going to public hearing, is still a minimum ordinance, and in many cases minimum is not sufficient to prevent a lot of damage from runoff, etc.

He explained this as a very sensitive area. Mr. Walters moved approval of the plan with the additional ingress and egress according to the map posted on the wall at the Council Meeting and with the conditions as outlined, and at the same time ask our soil erosion people to monitor the situation during development. This motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***INAUGURATION CEREMONY - SCHEDULED FOR DECEMBER 3, 1985; COUNCIL MEETING OF DECEMBER 3, TO BEGIN AT 2:30 p.m.

The new City Council is scheduled to take their oath of office on December 3, 1985. It has been suggested that the inauguration ceremony be held at 12 Noon, in the Civic Center, with the Council Meeting on that day being scheduled to begin at 2:30 p.m.

Without discussion the Council agreed to the recommendation for the schedule for December 3. Mr. Congleton asked that administration notify the newly elected Council Members of the National League of Cities Meeting as soon as possible.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

***PLANNING COMMISSION'S CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission's Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. The following items were withdrawn from the Consent Agenda: Upchurch - CR-5865 (TC-22-85); Block - CR-5861 (Z-113-85), CR-5862 (Z-115-85) and CR-5864 (Z-38-85); Cates - CR-5863 (TC-17-85). Without objection, these items were withdrawn from the Consent Agenda. Ms. Cates moved the Planning Commission's recommendation be upheld on the remaining items on the Consent Agenda. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***SUBDIVISION S-130-85 - SPRING FOREST MANOR - CONDOMINIUM CONVERSION - APPROVED WITH CONDITIONS

This is a request for approval to convert a 30-unit apartment complex on a 5-acre site, zoned Residential-6 and Residential-10.

The property is located on the south side of Spring Forest Road across from Millbrook High School, inside the City Limits.

CR-5851 from the Planning Commission recommended that this request be approved according to a map entitled, "Spring Forest Manor Condominium Conversion, Raleigh, NC, Water, Sewer, Storm drainage," dated August 1, 1983, submitted by John A. Edwards & Company, owned by P & I Associates, with the condition that the payment-in-lieu of street improvements be accepted by the City. Consent Agenda approval Cates/Calloway - 8 ayes.

***SUBDIVISION S-199-85 - COBBLESTONE TOWNHOMES I - APPROVED WITH CONDITIONS

This was a request for approval to revise an approved cluster unit development by separating the townhouse section, which contains 16.06 acres, zoned Residential-6 with 86 units, from the cluster unit development to allow the townhouse development to exist as a separate entity.

The site is located on the north side of Buffaloe Road, just east of New Hope Church Road, outside the City Limits.

CR-5852 from the Planning Commission recommended that this request be approved according to a map drawn by Gay-Jarvis Associates, Inc., dated October 1, 1985, owned by Garry C. Gardner, Inc., with the following conditions:

a. That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and,

b. That a stormwater management plan conforming to the Perry Creek Stormwater Policy be prepared and approved by staff.

Consent Agenda approval Cates/Calloway - 8 ayes.

***SUBDIVISION S-200-85 - COBBLESTONE CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to revise and resubdivide an approved cluster unit development by separating the townhouse section from the originally approved cluster unit development, and to increase the number of single-family lots in remaining cluster unit development by 7. Site contains 42 acres, zoned Residential-6 with 176 single-family lots.

The site is located on the north side of Buffaloe Road, just east of New Hope Church Road, outside the City Limits.

CR-5853 from the Planning Commission recommended that this request be approved according to map drawn by Gay-Jarvis Associates, Inc., dated October 1, 1985, owned by Garry C. Gardner, Inc., with the following conditions:

a. That a stormwater management plan, conforming to the Perry Creek Stormwater Policy, be prepared and approved by staff;

b. That the City accept the dedication of the greenway easement as shown on the site plan; and,

c. That the legal documents for the non-profit homeowners association, including maintenance of force main and pump station, be reviewed and approved by the City Attorney's Office prior to the recording of final plats.

Consent Agenda approval Cates/Calloway - 8 ayes.

***REZONING - Z-30-85 - INTERSTATE 40 - APPROVED AS REVISED

This was a request for approval to rezone 20 acres from Residential-4 and Agricultural Productive to Residential-10.

CR-5858 from the Planning Commission recommended that the eastern half of the request remain Residential-4 and that the western portion be rezoned to Residential-10 according to the "Revised Zoning Plan," as amended 9-30-85, on file in the Planning Department. Consent Agenda approval Cates/Calloway - 8 ayes. See Ordinance 657-ZC-172.

***TC-23-85 - TEXT CHANGE AMENDMENT - APPROVED - ORDINANCE ADOPTED

This was a request to not allow acceptance of any applications for amending the text of Chapter 10 without the prior authorization of the City Council.

CR-5866 from the Planning Commission recommended that TC-23-85 be approved. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) - 658 TC 249

AN ORDINANCE TO REQUIRE THE CITY COUNCIL TO AUTHORIZE ALL TEXT AMENDMENTS TO PART 10 OF THE CITY CODE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 10-2113(e) of the Raleigh City Code as recodified by Section 10 of Ordinance No. (1985) 600TC242, adopted 2 July 1985, and formerly being subsection 10-2113(d), is hereby amended to insert a new paragraph to follow subdivision 4. which shall read as follows:

"The planning department is instructed not to accept any applications for amending the text of this code without the prior approval by the city council.".

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective immediately upon its adoption.

Adopted: 11/5/85

Effective: 11/5/85

***TC-24-85 - GREENWAY RESERVATIONS - APPROVED AS AMENDED

This was a request to require the reservation of greenway property from the present seven months to twelve months.

CR-5867 from the Planning Commission recommended that TC-24-85 be approved as amended. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) - 659 TC 250

AN ORDINANCE TO EXTEND THE RESERVATION PERIOD FOR GREENWAYS AND PARKLANDS.

Section 1. Section 10-3019 of the Raleigh City Code is hereby amended to change the reservation period from seven months to twelve months.

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective immediately following its adoption, but it shall not apply to subdivision plans submitted to the city prior to this date.

Section 7. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Adopted: 11/5/85

Effective: See Section 6

***TC-25-85 - PRIVATE STREETS IN WATERSHED AREAS - APPROVED AS AMENDED

This was a request to permit private streets in the Primary Reservoir Watershed Protection area.

CR-5868 from the Planning Commission recommended that TC-25-85 be approved as amended. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) 660 TC 251

AN ORDINANCE TO AMEND SECTIONS 10-2072(b) AND 10-3071(b) OF THE RALEIGH CITY CODE.

Be it ordained by the City Council of the City of Raleigh, North Carolina that:

Section 1. Subsections 10-2072(b) and 10-3071(b) of the Raleigh City Code are hereby amended to insert at the end thereof the following:

"The above exemption does not include the use of private streets. Private street are allowed in the primary reservoir watershed protection areas providing the private street standards are met and that an area measured twenty-five (25) feet from the area of each adjacent lot so as to reduce the lots sizes below eighty thousand (80,000) square feet required."

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective upon its adoption.

Section 7. This ordinance has been filed with the Wake County Register of Deeds as required by State law.

Adopted: 11/5/85

Effective: 11/5/85

***TC-26A-85 - BUILDING CODE ADMINISTRATION - APPROVED; REMAINDER OF ITEM HELD IN PLANNING COMMISSION

This was a request to update codes to coincide with State Code references; adjust certain fees, and require a utility connection permit at the same time as a building permit.

CR-5869 from the Planning Commission recommended that Section 1 through 15, and 17 through 40 be adopted. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) - 661 TC 252

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF RALEIGH

NOW, THEREFORE, BE IT ORDAINED BY THE RALEIGH CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. In the second sentence of Section 5-2038, the words "inspection division of the department of public works" are hereby replaced with the words "Inspections Department".

Section 2. The words "city inspection superintendent" appearing in the first sentence of Subsection 10-5006(6)a. are replaced with the words "Inspections Director".

Section 3. In Subsection 10-6003(b), the year "1970" in the first line is amended to read "1982".

Section 4. In Subsection 10-6003(c), the year "1976" in the first line is amended to read "1985".

Section 5. The year "1968" in the first line of Section 10-6004 is amended to read "1980".

Section 6. Section 10-6005 is amended by replacing the year "1971" in the first line with "1980".

Section 7. In Section 10-6006, the year "1972" in the first line is hereby amended to read "1984".

Section 8. In Subsection 10-6009(b)(1), the words "August, 1971" are replaced with the year "1985".

Section 9. Subsection 10-6009(b)(2) is hereby amended to replace the words "August, 1971" with the year "1985".

Section 10. The words "August, 1971" in Subsection 10-6009(b)(3) are hereby deleted and replaced with the year "1985".

Section 11. The year "1972" in Subsection 10-6009(b)(4) is amended to read "1985".

Section 12. Subsection 10-6009(b)(5) is amended by replacing "1972" with the year "1985".

Section 13. In Subsection 10-6009(b)(6), the words "October, 1971" are replaced with the year "1985".

Section 14. Subsection 10-6009(b)(7) is hereby amended by replacing the words "Index of January, 1972" with the words "Directory of 1985".

Section 15. Subsection 10-6022(a) is amended by deleting the words "Part 10, Chapter 7, "Sidewalks and Driveways".

Section 16. The third sentence of Subsection 10-6024(e) is hereby repealed in its entirety, rewritten and reenacted to read as follows:

"Such permission shall apply to the applicant only and shall not authorize the applicant to employ the services of any other person to assist him unless such other person is qualified and licensed by the appropriate trade board."

Section 17. The last sentence of Subsection 10-6024(e) is amended by replacing the word "inspector" with the words "Inspections Department".

Section 18. The words "ten dollars ($10.00)" in the last sentence of Subsection 10-6039(c) are replaced with the words "twenty-five dollars ($25.00)".

Section 19. Subsection 10-6039 is hereby amended to recodify Subsections 10-6039(d) through (k) as Subsections 10-6039(e) through (l) and to add a new Subsection 10-6039(d) to read as follows:

"(d) Special inspection requests.

1. The total fee for a conditional electrical service shall be calculated at a rate of $25.00 per each active trade permit.

2. The total fee for a temporary Certificate of Compliance shall be calculated at a rate of $25.00 per each active trade permit."

Section 20. Section 10-6039 is hereby amended to add a new Subsection (m) to read as follows: "Voiding of permit. Upon a request by a property owner, any type permit may be voided; however, an administrative fee in the amount of twenty dollars ($20.00) shall be deducted from the refund payment. In the event the cost of the permit to be voided was twenty dollars ($20.00) or less, no refund shall be made."

Section 21. The last sentence of Subsection 10-6053(a) is hereby repealed in its entirety, rewritten and reenacted to read as follows:

"The Council may direct by ordinance the Department of Inspections to repair or demolish the building or structure, the cost of which shall become a lien against the premises upon confirmation of the cost thereof by the City Council. The confirmation shall take place only after ten (10) days written notice to the owner of the premises where the nuisance existed."

Section 22. In Section 10-6055, the last sentence is hereby repealed in its entirety, rewritten and reenacted to read as follows:

"The cost of the emergency measures taken shall become a lien against the premises upon which the emergency condition existed upon confirmation of the cost thereof by the Council. The confirmation shall take place only after ten (10) days written notice to the owner of the premises where the nuisance existed."

Section 23. The first sentence of Subsection 10-6075(c) is amended by inserting the words "with no expiration date" after the words "appropriate license". The last sentence is hereby repealed in its entirety.

Section 24. Subsection 10-6075(g) is hereby amended to replace the words "one dollar ($1.00)" in the first sentence with the words " ten dollars ($10.00)".

Section 25. In Subsection 10-6075(h), the words "five dollars ($5.00)," in the first sentence are replaced with the words "ten dollars ($10.00)".

Section 26. Subsection 10-6018(d)(1) of the Raleigh City Code is hereby amended to delete the words "before any such connection" and in lieu thereof the following words are inserted: "either at the time of such connection or issuance of a building permit for the property, whichever occurs first,".

Section 27. Subsection 10-6081(e) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(e) Payment of connection fees. When at the time of grading or otherwise improving any new street or highway (including the installation of water and/or sewer mains) the property owner or developer extends water and sewer service stubs from the water and sewer main to the property line, it shall not be necessary at that time to pay to the City the water and/or sewer connection fees or charges prescribed by this Code, unless specifically ordained otherwise, but such fees shall be paid prior to either the issuance of a building permit for the property or extension of any utility service line beyond the property line, whichever occurs first. No water and/or sewer service shall be furnished by the City until the water and/or sewer connection fees or charges as prescribed by this Code shall be paid in full and until all other fees and charges in connection therewith shall have been paid in full for developments authorized by Article D, Chapter 3, Part 10 and group housing developments authorized by §10-2075 of this Code, such fees and charges are to be prorated based on the number of dwelling units approved for the development and shall be collected prior to either extending any water and/or sewer service line beyond the property line or issuance of a building permit, whichever occurs first.".

Section 28. In Subsection 10-6095(d), the first sentence is amended by inserting the "with no expiration date" after the words "appropriate license" and the last sentence is hereby repealed in its entirety.

Section 29. In the second sentence of Subsection 10-6095(g), the words "five dollars ($5.00)" are replaced with the words "ten dollars ($10.00)".

Section 30. The words "one dollar ($1.00)," in the first sentence of Subsection 10-6095(h) are replaced with the words "ten dollars ($10.00)."

Section 31. Subsection 6101(b) is hereby amended by replacing the year "1972" in the first line with the year "1984".

Section 32. In Section 10-6104, the first sentence of the first paragraph is amended by inserting the words "with no expiration date" after the words "appropriate license". The last sentence of the first paragraph is hereby repealed in its entirety.

Section 33. The words "five dollars ($5.00)" in the first sentence of Subsection 10-6104(3) are replaced with the words "ten dollars ($10.00)."

Section 34. The first sentence of Subsection 10-6104(4) is hereby repealed in its entirety, rewritten and reenacted to read as follows:

"Between the regular periods of required examinations given by the board, any journeyman electrician, if the board secretary deems it an emergency or hardship, who first presents himself to the secretary and indicates he is employed by an electrical contractor licensed by the City, may have a temporary journeyman electrician working permit issued to him for that period before the next regular examination and upon payment of a fee of ten dollars ($10.00), provided he can satisfy the secretary that he is duly qualified to perform such work."

Section 35. The last sentence of Subsection 10-6125(c) is hereby repealed in its entirety, rewritten and reenacted to read as follows:

"The Owner or agent requesting a certificate of housing code compliance shall pay no fee for the first inspection or for one additional inspection for corrected work. For each inspection in excess of these, there shall be a charge of twenty-five dollars ($25.00)."

Section 36. All ordinances and clauses in conflict herewith are repealed to the extent of such conflict.

Section 37. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 38. If this ordinance or application thereof to any person of circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance and declare to the severable.

Section 39. This ordinance shall become effective thirty (30) days following its adoption.

ADOPTED: 11/5/85

EFFECTIVE: 12/5/85

***TC-27-85 - COUNCIL EVIDENTIARY HEARING - APPROVED

This was a request to clarify the procedures which are to be followed by the City Council and Board of Adjustment when conducting evidentiary hearings.

CR-5870 from the Planning Commission recommended that TC-27-85 be approved. Consent Agenda approval Cates/Calloway - 8 ayes.

ORDINANCE NO. (1985) - 662 TC 253

AN ORDINANCE TO CLARIFY THE PROCEDURES REQUIRED FOR EVIDENTIARY HEARINGS BEFORE THE RALEIGH CITY COUNCIL AND BOARD OF ADJUSTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. The first paragraph of subsection 10-2023(1)o of the Raleigh City Code relating to telecommunications towers is hereby amended to insert immediately after the words "City Council" the following: "After an evidentiary hearing conducted under the procedures contained in section 10-2094(d)".

Section 2. Section 10-2033(h) of the Raleigh City Code is hereby amended to insert immediately before the word "when" the following words "after an evidentiary hearing conducted under the procedures contained in section 10-2094(d)".

Section 3. Section 10-2072 of the Raleigh City Code relating to special exceptions approved by the City Council, is hereby amended to insert a the end of said section the following cross-reference:

"Cross-reference - other special exceptions approved by the city council; telecommunications, §10-2023(1)o and §10-2033(h); thoroughfare district standards, §10-2045.1(3); signs, §10-2065.7.".

Section 4. The last two sentences of section 10-2092 of the Raleigh City Code are repealed in their entirety.

Section 5. The last sentence of subsection 10-2094(b) of the Raleigh City Code relating to the length of term of board of adjustment members appointed by the county, is hereby repealed, rewritten and reenacted to read as follows: "They shall be appointed by the Board of Commissioners of Wake County.".

Section 6. The first paragraph of subsection 10-2094(d) of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"(d) The following procedure is required for any quasi-judicial evidentiary hearing arising under this chapter:".

Section 7. The first sentence of section 10-2094(d)(1) of the Raleigh City Code is hereby repealed in its entirety, rewritten and reenacted to read as follows: "All applications, including applications for rehearings, shall be accompanied by a fifty dollar ($50.00) filing fee which shall be filed in the office of city clerk and treasurer. To the extent not in conflict with the provisions of this Code, applications to the board of adjustment shall be in accordance with the rules of procedure adopted by the board of adjustment pursuant to subsection (e) of this section.".

Section 8. The second from the last sentence of Raleigh City Code provision 10-2094(d)(1) concerning withdrawing of applications is amended to conform to the conditional use district ordinance by inserting immediately after the words "before the", the following words: "delivery to the newspaper for".

Section 9. Subsection 10-2094(d)(9) of the Raleigh City Code is hereby amended to delete therefrom the following words: "after the board of adjustment hears a case, a copy of its decision" and in lieu thereof the following be written and enacted to read as follows: "after the evidentiary hearing a copy of the decision".

Section 10. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 11. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 12. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 13. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 14. This ordinance shall become effective upon its adoption.

Adopted: 11/5/85

Effective: 11/5/85

***CP-9-85 - RECLASSIFICATION AND EXTENSION OF LEADMINE ROAD - APPROVED - RESOLUTION ADOPTED

This was a request for approval to amend the major street plan of the Comprehensive Plan to reclassify the proposed Leadmine Road between Sawmill and Strickland Roads from major to minor thoroughfare and to add to the Collector Street Plan a proposed extension of Leadmine Road from Strickland Road to SR 1834.

CR-5871 from the Planning Commission recommended that CP-9-85 be approved as requested. Consent Agenda approval Cates/Calloway - 8 ayes.

RESOLUTION NO. (1985) 981

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-9-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official policy of the City Council concerning development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Leadmine Road area, revisions to the Major Street Plan and Collector Street Plan are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

that the Major Street Plan and Collector Street Plan of the Comprehensive Plan be amended by including a reclassification of a portion of Leadmine Road to Minor Thoroughfare and an addition of a proposed collector street north of Strickland Road in the attached amendment number CP-9-85.

Adopted: 11/5/85

***END OF PLANNING COMMISSION CONSENT AGENDA***

***REZONING Z-113-85 - SIX FORKS/LYNN ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone 7.5 acres from Residential-4 to Office and Institution-I Conditional Use.

CR-5861 from the Planning Commission recommended that only Parcel 352-159 (2.35 acres) at the point of the intersection be rezoned to Office and Institution-I Conditional Use, with the original conditions plus five new conditions as listed under additional notes. The requested zoning for Parcel 30 be denied.

Planning Director Chapman explained the request and the Planning Commission's recommendation. Chairman McNeely indicated this is a drastic reduction from the original request, as a portion of the original 7.5 acres was withdrawn from the request, and only 2.35 acres were considered. Ms. Block indicated at the public hearing, the people talked about problems with ingress and egress, and questioned if the applicant addressed that. Planning Director Chapman indicated the applicant offered Condition 2 relating to traffic. The location of the driveway, with it being pointed out that the driveway would be as far away as possible, was discussed with Mr. Congleton, pointing out the people in North Trail are pretty well satisfied with the conditions that have been placed on the proposed zoning. Ms. Cates indicated she did not see anything relating to street improvements to Lynn and Six Forks Road, re-

questing that that will be dealt with when the site plan comes in. Mr. Congleton moved approval of the Planning Commission's recommendation, his motion was seconded by Ms. Babb.

Ms. Cates pointed out this is a conditional use zoning, and questioned if this would be the time the petitioner would talk about street improvements, or if that would be done at site plan approval. Mr. Chapman indicated it is up to the petitioner to place whatever conditions they want to on their request. He explained how conditions can be placed on the request. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-115-85 - FALLS OF THE NEUSE ROAD - TO BE PLACED ON NOVEMBER 19, 1985 AGENDA AS SPECIAL ITEM

This was a request for approval to rezone some 800 feet south of Strickland Road (2.2 acres) from Residential-4 to Office and Institution-I.

CR-5862 from the Planning Commission recommended that Z-115-85 be approved as Office and Institution-III.

Planning Director Chapman explained the request with Mr. McNeely indicating there was an attempt to place a buffer next to the adjacent residential area, and it is felt that the O & I-III will do that best. Ms. Block pointed out there was a valid protest petition pointing out at the public hearing the opposition stated there was a buffer next to the office there already, and they did not feel that adequately protected them. Mr. Congleton indicated he has been working with the people involved, pointing out they had requested a 100' buffer. He indicated the petitioner has requested that they be given an additional two weeks to work with the adjacent property owners and the adjacent property owners is willing to discuss this further; therefore, he would move that rezoning Z-115-85 be placed on the November 19, 1985, Agenda as a "Special Item". His motion was seconded by Ms. Block and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

***TC-17-85 RESIDENTIAL DENSITY IN SHOPPING CENTER AND THOROUGHFARE DISTRICTS - TO BE PLACED ON THE NOVEMBER 19, 1985 AGENDA AS SPECIAL ITEM

CR-5863 from the Planning Commission recommended approval of TC-17-85 as amended:

That in the Thoroughfare District, the maximum residential density not to exceed 20 family dwelling units per acre without a special use permit. Up to and including 40 units per acre will be allowed only after issuance of a special use permit (City Council).

That in the Shopping Center District, the maximum residential density not exceed 15 family dwelling units per acre without a special use permit. Up to and including 30 units per acre will be allowed only after issuance of a special use permit (City Council).

Planning Director Chapman explained the proposal. Chairman McNeely indicated there would be a grandfather clause or an open window, pointing out this would apply to all submittals after May 1, 1986. Ms. Cates indicated Al Adams gave her a report yesterday that she had passed out to Council Members. She briefly explained Mr. Adams' recommendation. She stated she would be willing to place this on the Agenda for the next City Council Meeting, if the Council is not ready to vote on it today. Ms. Block indicated she was the one who had been fussing to get this out of committee. She indicated we are holding up a couple of zoning cases because everyone felt that forty residential units per acre would be a terrible thing to happen on those locations. She stated; however, she would object to the grandfathering or delaying this so that it would only be applied to those cases filed after May, 1986. She indicated she did not feel that the suggestion made by Mr. Adams is as good as what is proposed, but she would accept it, but she just does not like the grandfathering. Mr. Walters indicated in his opinion we have held this long enough. He stated he has problems with the May, 1986 effective date, indicated in his opinion it should be effective today. He stated maybe some type grandfathering is advisable, but he does not feel that we should wait until May, 1986 to apply the new requirements. City Attorney McCormick indicated he had Mr. Adams' suggestion or amendment, and he does not feel it is a substantive change from what was proposed by the Planning Commission. Ms. Block moved that the City Council approve the proposal with the Cates/Adams amendment effective immediately. Mr. Walters stated he could not support that, as he did not understand Mr. Adams' proposal, as he had not had an opportunity to see and study it. Ms. Block moved that TC-17 be approved as recommended by the Planning Commission. Her motion was seconded by Mr. Keller. Mr. Walters made a substitute motion that TC-17-85 be approved with an effective date of January 5, 1986 (the text change would apply to any submission after January 5, 1986). The substitute motion was seconded by Mr. Calloway. Mayor Upchurch indicated it his understanding that we may need to discuss this in Executive Session. Ms. Babb indicated that it seems that this is something that everyone wants to accomplish, but she is not that familiar with Mr. Adams' proposal; therefore, she would suggest that both of these issues be placed on the next Council Agenda and made a substitute motion that this item be placed on the November 19 Agenda. The substitute motion was seconded by Ms. Cates. Mr. Walters pointed out that it is his opinion that this is being held up by people, not on the City Council, who have enough influence to hold it up. He indicated maybe they are attempting to submit some plans pointing out, if there is something that should have been brought to Council's attention, it should

have been done so, and not wait until today's meeting. After brief discussion Mr. Calloway moved that the City Council go into Executive Session to discuss TC-17-85 and the legal ramifications of approving it effective immediately. His motion was seconded by Mr. Walters and put to a vote which passed unanimously.

The Council went into Executive Session at 2:20. The City Council returned to open meeting at 2:25, and the motion to place this item on the November 19 Agenda was put to a roll call vote with results as follow: ayes - 5 (Babb, Calloway, Cates, Congleton, Upchurch); noes - 3 (Block, Keller, Walters). The Mayor ruled the motion adopted.

***REZONING Z-38-85 - CREEDMOOR AND LEESVILLE ROAD - TO BE REFILED AS CONDITIONAL USE CASE

This was a request for approval to change petition requesting rezoning of 8.7 acres from Residential-4 to Office and Institution-I District to a request from Residential-4 to Office and Institution-I Conditional Use District.

CR-5864 from the Planning Commission recommended that Z-38-85 be allowed to be resubmitted by the applicants as an Office and Institutional-I Conditional Use request with the conditions as listed on CR-5864. A new hearing would be scheduled.

Planning Director Chapman explained the request. Mr. McNeely indicated this was a request to convert rezoning application Z-38-85 to conditional use. He indicated the recommendation is to allow the conversion, but does not speak to the merits of the rezoning case. Ms. Block indicated, as frequently happens, when a case is likely to fail, the applicant is requesting to change the application. She indicated while everyone knows that Creedmoor Road will be widened, she feels that with all of the development and proposals that we will overburden the widened road before it gets improved. She stated in her opinion she does not feel this piece of property should subject the road to anymore traffic problems and this rezoning would not be in conformance with the Comprehensive Plan. Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Walters. Ms. Cates indicated here again a petitioner has talked about a conditional use and has not mentioned street improvement. The motion as stated was put to a vote, which resulted in all members voting in the affirmative except Ms. Block and Mr. Congleton, who voted in the negative. The Mayor ruled the motion adopted.

***TC-22-85 - DENSITY TRANSFER FOR RIGHT-OF-WAY - TO BE DISCUSSED AT NOVEMBER 21 COUNCIL MEETING (NOVEMBER 19 MEETING TO BE RECESSED TO BE RECONVENED NOVEMBER 21 TO DISCUSS THIS ITEM)

This was a request to allow density transfers for any dediction of rights-of-way in excess of ninety feet provided the dedicators waive their statutory right to withdraw unopened dedications.

CR-5865 from the Planning Commission recommended that this request be denied.

Mayor Upchurch indicated he understood the Planning Commission discussed this item very little. He indicated in his opinion it is a very important issue that must be discussed by the City Council. He stated he feels that the Council needs to have an adequate presentation by the people who have been studying this proposal. He indicated he knew at the public hearing there was no real concrete data presented. He indicated that he would suggest that we place this on an Agenda at a special City Council Meeting where the proposal can be reviewed in its entirety before action is taken. Brief discussion took place as to when a special meeting could be held, the fact that we have four new City Council Members coming on board and the need to get additional information. Mr. Congleton suggested we have a special Council Meeting at 10:30 a.m., on November 19, which would allow the present City Council, who has been dealing with this, to take action on the proposal and also have the four new City Council Members present so they can have the benefit of the presentation, information, etc. This motion was seconded by Ms. Babb. Mr. Walters stated he could not be here at that meeting, and he feels that it is an important issue and would like to be able to attend. Ms. Block indicated this has been discussed and it did go to public hearing and in her opinion the audience was overwhelmingly against the proposal. She stated the proposal has been debated extensively, and she really does not want to see it delayed too long. After brief discussion it was agreed by general consensus that the Council Meeting on November 19, would be continued until November 21, a day the Council has a work session scheduled, and at that time the City Council meeting could continue discussions on TC-22-85 and hopefully take action.

***REZONING Z-65-85 - NORTH HILLS DRIVE - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 6.8 acres from Residential-4 to Residential-10.

CR-5859 from the Planning Commission recommended that the property be rezoned to Residential-10 (except for Parcel 74 which is to remain Residential-4) as requested.

Planning Director Chapman explained the proposal. Mr. McNeely explained the recommendation of the Planning Commission pointing out it was a 5-3 vote of the Planning Commission. Mr. Calloway indicated in his opinion the Council should uphold the recommendation of the Planning Commission. He indicated he had visited this

property and it is very attractive scenic property overlooking Shelley Lake. He stated it is at the intersection of a minor/major thoroughfare. He realizes this is a request to rezone the property from R-4 to R-10 and there is no other R-10 zoned land in the area, but he feels this property can be developed at the increased density in a manner that will be compatible with the neighborhood. He stated in his opinion he sees this as an extension to Spring Garden Apartments, which is located on adjacent property; therefore, he would move that the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Cates. Ms. Cates pointed out this property does not front on the lake; therefore, she does not feel there is any danger of sedimentation into Shelley Lake. Mr. Congleton pointed out there is no R-10 land in this area, and there is a valid protest petition. He indicated the adjacent property owners had requested consideration of R-6 zoning with a 50' conservation buffer. He indicated many cases have been denied in this area for increased density, and he would make a substitute motion to rezone the property Residential-6. His substitute motion was seconded by Ms. Babb.

Mr. Calloway indicated in his opinion Residential-10 is not a high intense zoning that will do damage to the neighborhood. He stated he feels the property could be developed, under the R-10 zoning, as attractive as the adjoining multi-family project. Mr. Calloway made another substitute motion that rezoning Z-65-85 be referred to Public Works Committee. This substitute motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-102-85 - FALLS OF NEUSE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone 10.9 acres from Office and Institution-III to Office and Institution-II.

CR-5860 from the Planning Commission recommended that this request be approved as requested.

Planning Director Chapman explained the request, and Chairman McNeely explained the Planning Commission's recommendation pointing out the recommendation for approval was on a 5-3 vote. Mr. Walters referred to the map, pointing out we recently approved a new road in this area, and this property will be on the south side of the new road. He stated with all consideration of what is planned for this area, and he thinks it will be developed nicely, he would move the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote, which resulted in all members voting in the affirmative, except Ms. Block and Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 657 ZC 172

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Cod, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Interstate 40, south side, between Trailwood Drive and Lake Wheeler Road, west of the dead end of Sierra Drive and abutting lots on Mariner Circle, being portions of Parcels 2, 134 and 325, Tax Map 604 and a portion or Parcel 2, Tax Map 577, rezoned to Residential-10 according to the "Revised Zoning Plan," was amended 9/30/85, on file in the Planning Department. (Z-30-85)

(b) Falls of Neuse Road, east side, between Old Wake Forest Road and Cedarhurst Drive, being Parcell 94, Tax Map 409, rezoned to Office and Institution-II District. (Z-102-85)

(c) Six Forks and Lynn Roads, northwest corner of the intersection, opposite North Trail Subdivision, being Parcel 159, Tax Map 352, rezoned to Office and Institution-I Conditional Use. (Z-113-85) Conditions as follows:

The only uses shall be office uses as follows:
Maximum of 120,000 s.f. of gross area
Maximum of 35 feet in height
Building setback from all property lines a minimum of 50 feet
Required landscaping trees be increased to one tree per ten parking spaces
A Buffer no less than 12 feet in width shall be maintained along the boundary of the property with Six Forks Road; the buffer shall be planted with evergreen trees at least 10 feet in height at the time of planting; the trees shall be planted no more than 15 feet apart; trees planted in the buffer will be in addition to those required in parking areas.
Only one curb cut for ingress and egress to the property will be maintained on Six Forks Road; the curb cut will be located the greatest distance possible from the intersection of Six Forks and Lynn Roads.
Any mechanical apparatus located on the roof of any building constructed upon the property will be screened from ground view by material of the same nature as that utilized for construction of the building.

All buildings erected on the property will be built upon an area graded to an elevation of no higher than 432 feet above sea level.
No building constructed upon the property will be constructed with a mirrored exterior surface.

(d) Falls of Neuse Road, east side, some 600 feet south of Strickland Road, being a portion of Parcel 8, Tax Map 325, rezoned to Office and Institution-III, according to map on file in the City of Raleigh Planning Department. (Z-116-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective November 5, 1985.

Adopted: 11/5/85

Effective: 11/5/85

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***REZONING Z-4-85 - CREEDMOOR ROAD - PROPERTY REZONED TO OFFICE AND INSTITUTION-I/CONSERVATION BUFFER - ORDINANCE ADOPTED ON FIRST READING; TO BE PLACED ON NOVEMBER 19, 1985 AGENDA

Mr. Keller reported the Law and Finance Committee recommends that the property covered by Rezoning Application Z-4-85 be rezoned to Office and Institution-I with a 50-foot Conservation/Buffer on the west side of the property. On behalf of the Committee Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Ms. Cates indicated for years as she has driven around Raleigh, when she sees a development that is completely out-of-place she wonders what City Council approved that development. She indicated we have principles of development that are written in our Comprehensive Plan, and this plan was amended for this area just over a year ago. She indicated in her opinion this rezoning case is in violation of that recently adopted plan, which calls this a neighborhood node. She read from the Comprehensive Plan as to what is allowed in a neighborhood node. She stated in this area we already have an eight acre shopping center, and referred to the Creedmoor Road Corridor Plan, which indicates neighborhood nodes would be at one mile intervals. She indicated she did not want to strip out Creedmoor Road like past Councils have stripped out some other major thoroughfares. She stated in her opinion if this additional O & I is approved, then this would become a community node and would probably create a regional O & I area. She stated if we're going to preserve the residential then this case should not be approved. She indicated this is twenty acres and if it is zoned O & I-I it would begin the stripping out of this corridor. She indicated she knew improvements have been proposed for Creedmoor Road, but that is three to five years away. She stated based on the facts that in her opinion this would violate the Comprehensive Plan, would make already unsafe conditions worse, and would add additional O & I in a market that is already soft, she would have to vote against this proposal. Ms. Block indicated there is already 170 acres of O & I in this area, and referred to recent newspaper articles in which there was an indication that offices are offering free rent because the market is too soft. She referred to the Creedmoor Road Corridor Plan, pointing out it was studied long and hard before it was developed. She stated, if this property is zoned O & I, she feels it will be the beginning of another Falls of Neuse Road. She stated we have to be responsive to the citizens and explained over seventy people came in and testified against this rezoning. She indicated the Council had received information from the Brookhaven Citizens Association in which 570 people voted against this rezoning. She stated we just could not ignore the outcry from the citizens and in her opinion, we already have enough office space in this area. Mr. Calloway indicated he did go out and took a hard look at the intersection. He indicated there are bad traffic problems in this area now, and he feels that if we rezone the land to O & I it will make already bad conditions worse. Mr. Keller indicated there are plans in the works for the widening of the road, and the Committee did have traffic reports that indicated the capacity of the road could handle the additional traffic. Ms. Cates stated she wanted to ask that this item be referred to the Comprehensive Planning Committee to look at the big picture as to whether we want to change this neighborhood node to a community node. She stated if we're going to vote in favor of this case, she would have to go back to see what effect the change will have on the neighborhood. The motion as stated was put to a vote with results as follows: ayes - 5 (Upchurch, Walters, Babb, Congleton, Keller); noes - 3 (Cates, Calloway, Block). The Mayor announced the approval of the ordinance on the first reading pointing out since it only received five votes it would have to be considered on a second reading at the November 19 meeting.

ORDINANCE NO. (1985) 663 ZC 173

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Creedmoor Road, west side, between Leesville Road and Jeffreys School Road, being Parcel 18, Tax Map 378, property is located in the northwest corner of the intersection of Creedmoor Road and Lessville Road, rezoned to Office and Institution-I with a 50 foot Conservation/Buffer on the west side. (Z-4-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption at the second reading.

Adopted: First Reading: 11/5/85
Second Reading: 11/19/85

Effective:

***ETJ AND UTILITY EXTENSION - YMCA - REMOVED FROM THE AGENDA

Chairman Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken with it being pointed out that the extension of ETJ was included in the larger packet that has been submitted to Wake County. It is understood that the YMCA will bring the item back to Council if and when the ETJ question is resolved. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-128-85 - LANDMARK CENTER PHASE II - APPROVED

Chairman Keller reported the Law and Finance Committee recommends that the Planning Commission's recommendation for approval be upheld; that is, approval to construct Phase II according to a map drawn by Bass, Nixon and Kennedy, dated July 13, 1984, owned by Radnor/Raleigh Partnership. On behalf of the Committee Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - 1540 CASWELL STREET - CITY AUTHORIZED TO ENTER INTO AN AGREEMENT

Chairman Keller reported the Law and Finance Committee recommends that the property owner, Ray Goodmon, be allowed to enter into an encroachment agreement to allow the existing house at 1540 Caswell Street to remain in its present location. The house encroaches some 3-inches into the City's right-of-way and the encroachment has existed since 1935. On behalf of the Committee Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PARKS AND RECREATION - SWIM LANES FEES AND CHARGES - REMOVED FROM THE AGENDA

Mr. Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken. It is understood that Administration is dealing with this matter in the larger context of swimming fees. On behalf of the Committee Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***BARB WIRE - PROHIBITION - ORDINANCE ADOPTED

Chairman Keller reported Council Members will receive in their Agenda packet a proposed ordinance to regulate the use of barb wire in the City of Raleigh. The Committee recommends adoption of the ordinance. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 664

AN ORDINANCE TO REGULATE THE USE OF BARBED WIRE IN THE CITY OF RALEIGH.

WHEREAS, the use of barbed wire in an urban setting constitutes a serious health and safety hazard to those who might inadvertently come in contact with it; and

WHEREAS, the increasing urbanization of the City of Raleigh makes all continued installation and use of barbed wire inappropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. A new section 13-3011 is hereby enacted and incorporated into the City Code to read as follows:

"a. The use of barbed wire in the City of Raleigh is prohibited below a point seven (7) feet above ground level. Barbed wire is any wire or strand of wire armed with barbs or sharp points. No barbed wire shall be installed, except pursuant to these regulations, after October 1, 1985 and all nonconforming existing barbed wire shall be removed by October 1, 1986.

b. Notwithstanding the above provisions, barbed wire may be used in any application at a penal institution so long as any wire located below the seven (7) foot level is at least 20 feet from the closest public right-of-way."

Section 2. This ordinance shall be enforced as provided in G.S. 160A-175 or as provided in the Raleigh City Code.

Adopted: 11/5/85

Effective: 11/5/85

***RALEIGH ECONOMIC DEVELOPMENT ROUND TABLE - BY-LAWS - CONCURRED

Chairman Keller reported the Law and Finance Committee recommends that the Council recognize and concur with the by-laws of the Economic Development Round Table. A copy of the by-laws was included in the Agenda packet. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***GREENWAYS - MANDATORY DEDICATION OF LAND - REMOVED FROM THE AGENDA

Mr. Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no further action taken. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Keller pointed out the Committee did recommend and the Council recently approved extending the reservation period to twelve months. He indicated the item was held in Committee to further study the item as it relates to facility fees and that is being studied. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***CABLEVISION - THREE ANNEXATION AREAS - TO BE HANDLED DIFFERENTLY

Chairman Keller reported this item relates to three annexation areas of the City:

1. The Reedy Creek section - no residences;

2. Umstead State Park; and,

3. The property covered by rezoning petition Z-106-85 known as the Harlan property.

The Committee recommends that as far as the two State-owned properties are concerned that the City Council waive installation of cable until a point in time at which the State makes the request or until this property is no longer under State ownership. The Committee recommends as far as the Harlan property is concerned that cable installation be waived until the point that a subdivision plan has been recorded and at that time the six-month period for required installation would start. On behalf of the Committee Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PA-88-85 - QUINN - L BUILDING - APPROVED WITH CONDITIONS

Chairman Keller reported the Law and Finance Committee recommends that this request be approved according to a map entitled "Quinn L Building" the property of Quinn L Corporation, drawn by Emerson and Associates, dated May 24, 1985, revised June 21, 1985, with the following conditions:

1. That the developer dedicate the right-of-way and do road improvements as outlined;

2. That the developer work with the Department of Transportation in terms of points of ingress and egress, and look at the possibility of right turns only and lining up the access for the signalized intersection; and

3. That the developer deal with the vegetation protection by utilizing fencing as explained at the Law and Finance Committee Meeting.

On behalf of the Committee Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

## REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***INTENSITY STANDARDS - REFERRED TO WORK SESSION

Chairperson Block reported the Public Works Committee has been considering the incorporation of floor area ratios into the Office and Institution zoning regulations. The Committee recommends that an explanation of this concept be referred to the first Work Session of the new Council. On behalf of the Committee Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

***ZONING - PROPOSED TEXT CHANGE REGULATING TEMPORARY DISPLAY AREAS - PUBLIC HEARING AUTHORIZED

Chairperson Block reported Council Members received in their Agenda packet a proposed ordinance concerning temporary outdoor display area, and the Committee recommends that a public hearing be scheduled to consider this ordinance at the January zoning hearing. On behalf of the Committee Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

***ASSESSMENT ROLL 688 - STREET IMPROVEMENTS TO LENOIR STREET - CONFIRMING RESOLUTION ADOPTED; ABANDONMENT OF DRAINAGE PIPE - AGREEMENT AUTHORIZED

Chairperson Block indicated the Public Works Committee recommends the adoption of a resolution confirming the assessment included in Assessment Roll 688 on Lenoir Street and further recommends abandoning the drainage pipe, removing the catch basin, and installing a small section of curb on the Kee property. Water would then run into the drainage system at the end of the street. She indicated this action would require a signed agreement with Mr. Kee, which the City Attorney indicated we have. On behalf of the Committee Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a roll call vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 982

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLL 688

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to laws in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the sixth day of August, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985-878 adopted on the sixteenth day of July, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Roll 688," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, of if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 or Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment BooK" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 11/5/85

***SUBDIVISION S-162-85, PA-119-85, and GH-29-85 - POYNER ROAD APARTMENTS

Ms. Block reported the Public Works Committee recommends that this request for approval of 1,416 apartment units to be constructed on four lots with a total of 75.82 acres be approved according to a map entitled, "Poyner Road Apartments," the property of Jyles Coggins, drawn by Paton-Zucchino and Associates, dated September 3, 1985, revised October 22, 1985, with the following conditions:

1. That a flood study is submitted to and approved by the Conservation staff prior to the issuance of any permits or recording of any plats;

2. That the special assessment fees associated with the water line in US 70 be paid prior to recording of any lots;

3. That the following additional terms be met:

   (a) Establishment of a 50-foot undisturbed buffer along the western boundary of Poyner Road Apartments along the common area of Sendero;

(b) Establishment of a 30-foot setback between this project and the property of Dr. Cavanaugh and Dr. Gurley; and,

(c) Erection of a 6-foot chain link fence on the Raleigh Memorial Park property, on the east side of Turkey Creek, outside the floodway area and in conformance with the City Code. The fence is to be erected prior to issuance of certificates of occupancy.

On behalf of the Committee Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***HOUSING ASSISTANCE PLAN - UPDATE - REAFFIRMED; FUNDING TO BE CONSIDERED IN THE 1986-1987 BUDGET

Chairperson Block reported the Public Works Committee recommends approval of the Housing Assistance Plan. The Committee further recommends reaffirmation of the following:

1. That the Housing Task Force focus on the housing needs of low-income families;

2. That housing for low and moderate income families be a higher priority in the ranking of needs and services for the City of Raleigh;

3. That the Council make an ongoing commitment to provide additional funds for low-income housing;

4. That the Council seek State legislation to provide increased funding for low-income housing; and,

5. That the Council seek a commitment from the Federal Government to maintain their primary role in low-income housing.

The Committee further recommends that funding in the amount of $400,000 for housing be considered in the 1986-87 Budget deliberations to provide for continuation of the scattered site policy. On behalf of the Committee Ms. Block moved the recommendation be upheld, her motion was seconded by Ms. Cates.

Ms. Block indicated this is basically reaffirming the scattered site policy. She explained it was felt the northeast area, which is in the Housing Assistance Plan as number one priority was not placed there because of the extra territory added. She indicated many more housing units will be added to that area. She stated in her opinion the northwest should be considered first, but because of the additional development going into the northeast it was agreed to recommend approval. Mr. Walters indicated he was sorry that the same criteria did not apply when all of the growth was occurring in the northwest area. Mr. Walters indicated he would have to vote against this motion for those reasons. He pointed out he knew we are required to have a HAP as that is used for a guide. He indicated, however, by approving this we are saying that the next public housing we have will go into the northeast section. Ms. Cates indicated she feels the Committee realized the absence of funds to buy often dictates where housing will go, and it is difficult to find a suitable site in the northwest for public housing, a park, or for anything. She stated she did read in the paper that in the northwest, that if you counted the private low rent, they would have more subsidized housing than the northeast, with Mr. Walters indicating that is not correct. He indicated the more low housing that goes into an area the less the property values are; therefore, the more economical the land is to buy for additional public housing. Mayor Upchurch indicated he understood Mr. Walters concern. Mr. Calloway pointed out in his opinion this HAP plan or policy has been good, as it has spread the public housing around the City. He indicated to some people scattered site policy seems to be dirty words. He stated, however, he does not feel that any particular section of the City has been burnt by the HAP as he feels it is working very effectively. The motion as stated was put to a vote, which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

## REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***DOWNTOWN COMMITTEE - STRUCTURE - INFORMATION RECEIVED TO BE SENT TO VARIOUS GROUPS

Mayor Upchurch reported the Downtown Committee reviewed the structure and charge of the various downtown committees and feels that each group plays an important role in our downtown activities and encourages all groups to continue their duties and move forward. Council Members received a memo to be sent to the various groups clarifying their role and suggesting ways to coordinate various activities. On behalf of the Committee Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

## REPORT FROM TRIANGLE J COUNCIL OF GOVERNMENTS

***TRIANGLE J COUNCIL OF GOVERNMENTS - REPORT RECEIVED

Mayor Pro Tem Walters, the City's delegate to the Triangle J Council of Government, passed out information on the recent meeting of Triangle J. He called attention to

the per capita income for North Carolina, pointing out that only Wake County recorded a per capita income higher than the national average. He called attention to new laws relating to single audits, which the City of Raleigh has been doing about five years, and the questionnaire recently completed. Mayor Upchurch indicated in his opinion the questionnaire is so much better than it has been in the past and commended Triangle J for the improvement.

REPORT AND RECOMMENDATION FROM THE PARKS AND GREENWAY ADVISORY BOARD

***PARKS AND GREENWAY ADVISORY BOARD - SUGGESTION FOR YOUTH MEMBER - REFERRED TO THE NOMINATING COMMITTEE

Leon Lucas, Chairman of the Parks and Greenway Advisory Board, reported that at the Parks and Greenway Advisory Board Meeting of October 17, 1985, a motion was made, seconded, and approved that the Parks and Greenway Advisory Board recommend to the City Council that after the Advisory Board reaches its prescribed voting membership of 15 that consideration be given by Council to filling a future vacancy with a student selected from the Raleigh Youth Council.

Mr. Lucas explained that it is not the intent to increase the membership to more than fifteen, but at some point in the future, when a vacancy occurs that a youth member should be considered. Mr. Congleton moved the recommendation be referred to the Nominating Committee. His motion was seconded by Ms. Babb and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

***PARKS AND GREENWAY ADVISORY BOARD - NAME CHANGED TO PARKS, RECREATION AND GREENWAY ADVISORY BOARD

Leon Lucas, Chairman of the Parks and Greenway Advisory Board, indicated at the Parks and Greenway Advisory Board Meeting, a motion was made and seconded that a recommendation be made to Council to change the name of the Board to:

Parks, Recreation, and Greenway Advisory Board.

Ms. Cates moved approval of the recommendation. Her motion was seconded by Mr. Calloway and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 665

AN ORDINANCE CHANGING THE NAME OF THE PARKS AND GREENWAY ADVISORY BOARD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Ordinance No. (1985) - 595 is hereby amended by changing the title thereof to read as follows: "AN ORDINANCE CREATING A PARKS, RECREATION AND GREENWAY ADVISORY BOARD".

Section 2. Ordinance No. (1985) - 595 is further amended by substituting for the words, "Parks and Greenway Advisory Board", wherever the same shall appear therein, the words, "Parks, Recreation, and Greenway Advisory Board".

Section 3. The publisher and codifer of the Raleigh City Code is hereby directed to make appropriate editorial changes consistent with the provisions of this ordinance.

Section 4. All ordinance or portions of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall become effective on the date of its adoption.

Adopted: 11/5/85

Effective: 11/5/85

REPORT AND RECOMMENDATION OF THE RALEIGH TRANSIT AUTHORITY

***RALEIGH TRANSIT AUTHORITY - REPORT AND RECOMMENDATION - RECEIVED

C. J. Barber, Chairman of the Raleigh Transit Authority, was at the meeting to present the final report of the Capital Area Transit Five Year Marketing Program, which was an authorized program. He explained that the City Council authorized hiring of a consultant, Focus Group, Incorporated to do this study. He explained the Transit Authority accepted the report at its last meeting and referred it to the Authority's Marketing Committee in order to prepare for implementation. He explained that the report was in two phases and summarized the findings and recommendations pointing out that Focus Group, Incorporated worked closely with staff and the Marketing Committee in doing the study, and explained that each Council Member received a forty page copy of the study. His summary was as follows:

An extensive survey was conducted among transit riders and non-riders. Approximately 300 riders were interviewed on-board the buses, another 300 non-riders who live within walking distance of a bus route were interviewed by telephone.

The consultants were surprised to find considerable agreement between the opinions of riders and non-riders. The surveys disclosed that CAT is highly regarded by both groups. It was especially noteworthy that over 25% of the riders and over 41% of the non-riders were unwilling to say anything bad about CAT - even when interviewers prompted them to do so. Some minor complaints were disclosed mainly regarding graffiti and scheduling. Staff has already taken steps to correct specific problems.

The consultants concluded that, while most of Raleigh's residents offer strong praise and high ratings for CAT, they also tend to see CAT as a public service "for someone else" not for them. The thrust of marketing should therefore be an attempt to overcome the attitude of the non-riding public that CAT is for "other people".

Marketing Recommendations:

1. Eight individual advertising campaigns are specified to be used over a five-year period. The first year's campaign, "Discover Time/Try The Bus" takes a potential liability (the time it takes to ride the bus) and presents it as an asset. Some of the campaigns for other years include: "Big Wheels/Try The Bus" - testimonials from opinion leaders, "Shop Around/Try The Bus" - tied into downtown shopping promotions and "Hop On/Try The Bus" - a kid's promotion. All campaigns will have a similar graphic appearance featuring close up photographs of specific individuals.

2. Recommended media emphasized the use of billboards because of their ability to "target the market". The Authority felt however that recent City Council policy decisions preclude the use of billboards. Instead, advertising campaigns will use the consultants alternatives recommendations, newspapers, radio, and door-to-door distribution.

3. Annual advertising activities should be programmed for two distinct periods - January - March and September, November, budget permitting.

4. A one month pass should be developed as a sales instrument to promote advanced sales.

5. An incentive program for telephone representatives and drivers should be developed to encourage these personnel to act as "sales people", providing inducements to ride and selling passes.

6. Standard phone procedures should be expanded to include a mail solicitation sent to anyone calling for information. We should consider having all transit employees answer the phone with "Capital Area Transit - may I help you" and ending with "thank you for riding the bus".

In closing, the Transit Authority is very pleased with its marketing report. We look forward to successfully implementing the recommendations.

Brief discussion took place on the proposed thirty day pass and how that would work. Ms. Cates indicated she has attended some of the Transit Authority Meetings and pointed out she is very impressed with the caliber and the work of the Transit Authority. She stated during the recent campaign she was interested in the fact that almost every candidate spoke to mass transit and maybe we should put an item in a future work session of the new City Council, so that we could listen and maybe capture some of their ideas. Mayor Upchurch suggested that City Council Members attend Transit Authority Meetings and be briefed on the work of the Transit Authority. Mr. Keller, the City Council Liaison to the Transit Authority, indicated this committee is made up of some of Raleigh's strongest and most active people, but they're always there and do an excellent job. He commended Mr. Barber in his manner of conducting the meetings and the active participation and work of the Transit Authority. Ms. Block indicated she is very pleased with the report and hopes the Transit Authority will be able to implement the recommendation. She explained she was on the committee when the City acquired the CAT System, and at that time a decision was made that there would be no advertising on buses. She stated she has rethought her position on that and now maybe feels that perhaps we could utilize some advertising on the bus, and that would be a way to finance a campaign to get more riders. Mr. Barber indicated this has been discussed a number of times, and there were categories of things that they definitely do not want advertised on buses such as alcoholic beverages, etc., and they wanted to keep the cosmetic appearance of the buses in good order. Mr. Congleton indicated he agreed with Ms. Block on the possibility of rethinking advertising, and he would follow through on that. Mr. Keller pointed out that occasionally he goes out and just rides buses to see where they go and what they do. He pointed out, during State Fair Week, he noticed one bus coming in--a private carrier--and stopping along the route on Hillsborough Street and filling up, and questioned if that was legal. Transportation Director Blackburn indicated that is not an illegal practice, even though the City does not like it. He pointed out in this particular case the Fairgrounds is outside the City Limits. Ms. Block pointed out that several years ago the City granted a franchise to give away one of the most lucrative routes we had, and she feels when it is time to renew that franchise the City should re-look it. The comments were received.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***APPOINTMENTS - VARIOUS COMMITTEES - MADE

Mr. Walters reported during the October 15 Council Meeting, the Nominating Committee made the following nominations. No nominations were made from the floor; therefore, it would be appropriate for the City Council to confirm the following appointments:

Electrical Examining Board - Larry Nunnery

Housing Appeals Board - Francis L. Roberts

Downtown Advisory Committee - Tom Worth

Arts Commission - Fran Tomlin

On behalf of the Nominating Committee Mr. Walters moved the nominations as outlined be confirmed. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***NOMINATIONS - VARIOUS COMMITTEES - REPORT RECEIVED; BOARD OF ADJUSTMENT - NOMINATION MADE FROM THE FLOOR

Mr. Walters reported the Nominating Committee recommends the following nominations. This is a first announcement; therefore, the only action would be to open the floor to nominations.

Appearance Commission - Reappointment of Rodney L. Swink

Board of Adjustment - Alternate Member - Reappointment of Rhody Dillon

Heating, Air Conditioning, Refrigeration and Ventilation Board - Reappointment of Robert Cooper, Rick Babcock, Larry Kelly, and Stuart O. Arnold; appointment of Willis Edward Toude

Human Resources and Human Relations Advisory Committee - Reappointment of Sol Richman; appointment of Rebecca Weatherford

Youth Council Advisory Board - Reappointment of Sarah Harris

Arts Commission - Appointment of Jane Purser

Mayor Upchurch opened the floor to nominations. Ms. Block nominated Ann Franklin for the alternate member slot on the Board of Adjustment. No further action was taken.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***FISCAL IMPACT STUDY - REFERRED TO NOVEMBER 21 WORK SESSION

City Manager Benton indicated the City has retained the firm of Tischler and Associates to develop a fiscal impact evaluation system. This work has been completed. A copy of the report was in the Agenda packet. It is desirable that the Council review this system as developed for the City.

Recommendation: That this item be referred to the November 21, 1985, Council Work Session. Mr. Walters moved the Manager's recommendation be upheld, his motion was seconded by Mr. Calloway.

Ms. Babb indicated as the process went along of putting together the Impact Analysis, the Economic Development Round Table worked on this somewhat, and there was some concerns expressed. She stated at the Work Session she would also like a report from the Economic Development Round Table to see if those concerns have been resolved. Without objection this was agreed to. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***PROJECT SELF-SUFFICIENCY - GRANT SUPPORT - APPROVED - FUNDS APPROPRIATED

City Manager Benton indicated this project involved assistance to unemployed or under employed low-income, single parents. It is intended to provide a comprehensive assistance program involving housing and employment. The City is not currently directly involved except through a Council appointed committee. This committee has requested funding assistance for providing transportation to these individuals.

Recommendation: That the Council approve a grant of $7,500 to Project Self-Sufficiency for the purpose of providing bus transportation to participants with the provision that the terms of the payments to the participants would be developed by the Project Self-Sufficiency Task Force to assure a transition to private funds for the transportation needs. The transfer of funds from Account 34-2-3802-0100 (Bridges and Office Space) is necessary to be approved. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway in a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 653-TF-8.

***CARROLL SCHOOL LIGHTING PROJECT - AGREEMENT AUTHORIZED - FUNDS APPROPRIATED

City Manager Benton indicated an agreement has been developed with the Wake County School System for the installation of lights on the track at Carroll School, explaining a copy of the proposed agreement was included in Council Members' Agenda Packet. The Agenda also outlined a transfer in the amount of $7,500 from Council Reserve-Parks.

Recommendation: That the City Council approve the agreement and transfer of funds. Mr. Congleton moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

***ANNUAL FINANCIAL REPORT - REFERRED TO THE LAW AND FINANCE COMMITTEE

It is appropriate for Council to receive and review the Annual Financial Statement of the City which is produced by the Finance Department and which has been audited by the independent audit firm of McGladrey, Hendrickson and Pullen. In the past, the Council has referred this report to the Law and Finance Committee for review.

Recommendation: That the Council receive the report and refer to the Law and Finance Committee for review. City Manager Benton presented Council Members with a copy of the report. Mr. Congleton moved the Annual Financial Report be referred to the Law and Finance Committee. His motion was seconded by Ms. Babb and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

***MONTAGUE BUILDING REHABILITATION - VARIOUS ACTIONS TAKEN

City Manager Benton explained the City staff has been working with a group to provide for the rehabilitation and reuse of this building. It is proposed that the City:

1. Approve the process for issuance of $2,200,000 in Urban Redevelopment Bonds which would be privately financed and not commit the resources of the City;

2. Agree to rent up to 60 spaces in the new deck to tenants of the Montague Building at market rates;

3. Agree to build the elevated walkway from the Transit Facility to the building with the City providing up to $50,000 of the cost and the City being repaid over 5 years with even monthly payments, no interest, and prepayment to commence when the building is 85% occupied or 24 months after completion of the walkway whichever occurs first;

4. The City will cooperate with owners in their excavation and development of a patio on their property but this does not obligate the City to any funding; and,

5. The City will negotiate with the owners to determine if a mutually agreeable arrangement can be developed to install a new sidewalk on the south side of Hargett Street for the full block.

Recommendation: That the Council:

1. Approve a public hearing for December 3, 1985, to consider the issuance of the $2,200,000 in Urban Redevelopment Bonds;

2. Agree to build the walkway and provide the parking spaces as provided above;

3. Agree to cooperate with the owner in the planning and development of their property;

4. Authorize the City Manager to negotiate with the owners to determine if a mutually agreeable arrangement can be developed to install a new sidewalk on the south side of Hargett Street for the full block;

5. Approve the following transfer of funds:

| | | |
|---|---|---|
| From: | | |
| 43-2-3050-0001 | Ed-Downtown Loan Pool | $50,000 |
| To: | | |
| 43-2-3050-0002 | Commercial Rehab. Loan | $50,000 |

6. Authorize the City Manager to negotiate an agreement to cover the terms of this proposal which would be brought back to Council for approval.

7. Authorize a public hearing for December 3, 1985, to consider an amendment to the Downtown East Redevelopment Plan to include this project.

City Manager Benton briefly explained the proposal and the recommendation, pointing out, if the Council agrees it would also be necessary to adopt an inducement resolution, as well as, a resolution relating to allocation from the state. Ms. Babb moved approval of the Manager's recommendations. Brief discussion on the agreement to build the walkway with City Manager Benton indicating the owners of the Montague

Building would be paying the total cost over a period of time. The motion was seconded by Ms. Cates, and after brief discussion on the fact that this is roughly the same agreement we previously had for the renovation of the Montague Building, with the exception that we are not guaranteeing the rent for any tenant, the motion was put to a roll call vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 983

RESOLUTION EXPRESSING THE INTENT OF THE CITY OF RALEIGH TO ISSUE ITS URBAN REDEVELOPMENT BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $2,200,000, THE PROCEEDS OF WHICH WILL BE LOANED TO MONTAGUE PARTNERS TO FINANCE THE REPAIR, REHABILITATION OR RECONDITIONING OF A CERTAIN REDEVELOPMENT PROJECT PURSUANT TO THE NORTH CAROLINA URBAN REDEVELOPMENT LAW

WHEREAS, the North Carolina General Assembly has enacted Article 22, Chapter 160A of the North Carolina General Statutes, as amended, commonly referred to as the North Carolina Urban Redevelopment Law (hereinafter called the "Act"); and

WHEREAS, in order to protect and promote the health, safety and welfare of the people of North Carolina, the Act provides for the creation of redevelopment commissions for the following public purposes: to acquire, replan hold and dispose of blighted areas in order to promote economically and socially sound redevelopment, and to undertake nonresidential redevelopment in accord with sound and approved plans and to undertake the rehabilitation, conservation, and reconditioning of areas where, in the absence of such action, thre is a clear and present danger that the area will become blighted; and

WHEREAS, the Act authorizes redevelopment commissions to carry out plans for a program of voluntary or compulsory repair, rehabilitation or reconditioning of buildings or other improvements located in a redevelopment area, including the making of loans therefor; and

WHEREAS, the Act also authorizes redevelopment commissions to issue its bonds, notes or other obligations from, time to time for any of its corporate purposes; and

WHEREAS, the City Council of the City of Raleigh (the "City Council"), pursuant to Section 160A-505(a) of the Act, has designated itself to perform the powers, duties and responsibilities of a redevelopment commission under the Act; and

WHEREAS, pursuant to Section 513 of the Act, the planning commission of the City of Raleigh has certified certain areas of the City of Raleigh as "redevelopment areas" (as defined in the Act), including, without limitation, the area designated as the Downtown East Side Redevelopment Area (the "Redevelopment Area") and the City Council has duly adopted a redevelopment plan for the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, Montague Partners, a North Carolina limited partnership or one of its affiliates (the "Developer"), desires to repair, rehabilitate and recondition the existing building known as the Montague Building and located within the Redevelopment Area at the southwest corner of Blount Street and East Hargett Street (the "Building") for use as office space and for commercial business purposes (the "Project"), all in accordance with and subject to the Redevelopment of the City and the Act, provided that the City indicates its intent to assist in the financing of the repair, rehabilitation or reconditioning of the Project by the issuance of its bonds in an aggregate principal amount not to exceed $2,200,000 pursuant to the Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the members of the City Council, a lawful quorum having been duly assembled, as follows:

Section 1. The City Council, acting in its capacity as a redevelopment commission, hereby expresses its intent, subject to the terms and conditions hereinafter set forth, to issue pursuant to the Act its urban redevelopment bonds in an aggregate principal amount not to exceed $2,200,000 (the "Bonds"), the proceeds of which will be loaned to the Developer to finance the acquisition, repair, rehabilitation and reconditioning of the Building in accordance with and subject to to the Redevelopment Plan.

Section 2. The principal of, premium, if any, and interest on the Bonds shall be payable exclusively from the income, proceeds and revenues of the Project and any other sources acceptable to the City, and the Bonds shall not constitute an indebtedness of the City within the menaing of any applicable constituitional or statutory debt limitation or restriction.

Section 3. The issuance by the City of the Bonds is expressly conditioned upon the City's acceptance of the redevelopment proposal of the Developer, the execution of a satisfactory redevelopment contract for the Project between the City and the Developer and the compliance by the Developer with all of the applicable provisions of the Act with respect to the redevelopment of the Building.

Section 4. The Mayor and other appropriate officials of the City are hereby authorized to prepare and file an application with the North Carolina Department of Commerce requesting an allocation for the Bonds under the North Carolina ceiling for private activity bonds established under the 1984 Federal Deficit Reduction Act (the "Allocation").

With respect to the Allocation, the City Council hereby agrees as follows:

(i) The City will use the Allocation only for the Bonds and only for the Project described above;

(ii) The City will use the Allocation within the time limits specified in the document granting the application for the Allocation or within any extension of those limits subsequently granted by the North Carolina Department of Commerce;

(iii) The City will allow, without contest, any unused portion of the Allocation to revert back to the State of North Carolina for use by other applicants;

(iv) The City will report to the North Carolina Deparmtent of Commerce the exact principal amount of the Bonds within ten (10) days of the date of issuance.

Section 5. The City Council intends that the adoption of this Resolution shall constitute "official action" (as that term is used in Section 103(b) of the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder) of the City of Raleigh with respect to the Project.

Section 6. The Secretary, Clerk or other appropriate officer of the City hereby authorized and directed to provide a certified copy of this resolution to the North Carolina Department of Commerce.

Section 7. Any prior resolutions or orders or any portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Resolution shall take effect immediately upon its passage.

***CAPITAL IMPROVEMENTS PROGRAM - ADJUSTMENTS TO PROGRAM OBJECTIVE AND WATER PROJECTS - APPROVED - ORDINANCE ADOPTED

City Manager Benton explained a number of approved capital projects are nearing active construction and cost estimates are becoming more precise for land acquisition and construction. In addition, the City has benefited from additional revenue sources which have become available since the adoption of the Capital Improvements Program (CIP). Therefore, a proposed modification in the CIP is made and was included in the Agenda packet. The key features of this adjustment are:

a. Use of biannual State clean water funds to aid Perry Creek Project;

b. Use sales tax funds to increase funding for park land acquisition, construction of Transit Transfer Project, and Downtown Redevelopment;

c. Advancing the timing of several engineering studies for expansion of the Neuse Wastewater Treatment Plant; and,

d. Adding a feasibility study on phosphate removal for the Wastewater Treatment Plant;

Mr. Benton further pointed out the CIP includes several water line projects and the following budget amendments are needed to set up these specific projects and commence their construction:

| | | |
|---|---|---|
| Increase Revenue: | | |
| 80-1-0090-0220 | Appr. Reserve | $1,296,000 |
| Increase Expenditure: | | |
| 80-2-1500-0101 | Atlantic Ave. 42" const. | $ 699,000 |
| 80-2-1500-0104 | Atlantic Ave. 42" misc. | 1,000 |
| 80-2-1510-0101 | N.W. Raleigh Mains Const. | 168,000 |
| 80-2-1510-0104 | N.W. Raleigh Mains Misc. | 1,000 |
| 80-2-1520-0101 | Lassiter Mill Line Reloc. | 75,000 |
| 80-2-1530-0000 | Inner-City Main Repl. | 352,000 |
| | | $1,296,000 |

Increase Expenditures:

| | | |
|---|---|---|
| 84-2-1500-0101 | U.S. 70 West 16" Const. | $ 999,000 |
| 84-2-1500-0104 | U.S. 70 West 16" Misc. | 1,000 |
| 84-2-1510-0101 | Thoroughfare Mains | 600,000 |
| 84-2-1520-0101 | Wade & Pullen Booster Pumps | 685,000 |
| 84-2-1070-0101 | E.M. Johnson Plant Imp. Const. | 90,000 |
| 84-2-1070-0102 | E.M. Johnson Plant Imp. Eng. | 10,000 |
| 84-2-1530-0101 | Residential Backflow | 2,700,000 |
| 80-2-1530-0101 | Inner-City Main Repl. | 898,000 |
| | | $5,983,000 |

Recommendation: Approval of modifications to the CIP.

City Manager Benton briefly explained this proposal. He spoke to the need to proceed with the feasibility study on phosphate removal for the wastewater treatment plant. He indicated this is not to remove phosphate, but to determine whether it is feasible to remove it at the plant, and if so, how. Ms. Block indicated in July of this year she wrote the City Manager a note about the process of phosphate removal, how much is removed now, and the cost. City Manager Benton again explained this is a feasibility study only, not actual phosphate removal. Ms. Block indicated she would like to refer this to Public Works Committee, as she thinks it needs some study and so moved. Her motion did not receive a second.

Ms. Babb indicated in her opinion it is important to go ahead with this, pointing out we have to do whatever is necessary for an adequate and clear water supply. She spoke to the way the State has been holding other municipalities to the fire relating to phosphate removal and moved that we go ahead and add these objectives to our CIP program. Her motion was seconded by Mr. Walters.

Ms. Cates made a substitute motion to approve everything with the exception of the feasibility study on phosphate removal and refer that aspect of the proposal to Public Works Committee. Her substitute motion was seconded by Mr. Calloway.

Ms. Babb indicated in her opinion the feasibility study on phosphate removal is clearly one of the most important things that we should move ahead with.

Ms. Block pointed out there is a possibility that the State law may change and make the phosphate removal at the Wastewater Treatment Plant unnecessary. She stated it is her understanding we presently remove about fifty percent of the phosphate. She indicated if we go ahead and do this it may remove any incentive of the people downstream in working with the City to get the phosphate ban approved. She stated basically what she is saying is maybe the feasibility study is premature.

Mr. Walters indicated in his opinion that the results of this study could turn out to be our strongest point in favor of a phosphate ban.

Ms. Babb indicated she is an adamant supporter of the phosphate ban, but she feels that will take care of only part of the problem even if passed, and she feels the feasibility study as suggested is very important. The substitute motion was put to a vote with results as follows: ayes - 3 (Calloway, Block, Cates), noes - 5 (Upchurch, Walters, Babb, Congleton, Keller). The Mayor ruled the motion defeated. The original motion to uphold the Manager's recommendation was put to a roll call vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 666

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget be amended as follows to include anticipated revenue from land sales in overall project funding plan:

| | | | |
|---|---|---|---|
| Revenue: | 34-1-0070-0210 | From City Market Land Sale | $902,000.00 |
| Expense: | 34-2-3930-0115 | Operating Deficit Account | $342,000.00 |
| | 34-2-3930-0116 | Cranston Grant | 560,000.00 |

ORDINANCE NO. (1985) 670

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget be amended as follows to accept contribution from Guest Quarters Interests - Raleigh for Glenwood Avenue median beautification:

| | | | |
|---|---|---|---|
| Revenue: | 37-1-0070-0200 | | $ 1,000.00 |
| Expense: | 37-2-3000-0194 | | $ 1,000.00 |

Section 2. That the 1985/1986 Budget be amended as follows to place money received for payment of services provided in assisting Wake County EMS under the fire department first responder program into an expenditure account:

| | | | |
|---|---|---|---|
| Revenue: | 01-1-0070-0200 | Misc. Income | $ 6,624.00 |
| Expense: | 01-2-4130-0616 | Communications E | $ 6,624.00 |

Section 3. That the 1985/1986 Budget be amended as follows to provide additional funds for anticipated site acquisition costs for Moore Square West Parking Facility:

| | | | |
|---|---|---|---|
| Revenue: | 44-1-0090-0220 | From Fund Balance | $ 125,000.00 |
| Expense: | 44-2-3000-0103 | Moore Square West Parking Acquisition | $ 125,000.00 |

Section 4. That the 1985/1986 Budget be amended as follows to appropriate new State grant funds for Neuse/Perry Creek Interceptor project:

| | | | |
|---|---|---|---|
| Revenue: | 81-1-0010-0250 | 1986 State Sewer Grant | $1,127,000.00 |
| | 81-1-0010-0251 | 1987 State Sewer Grant | 1,127,000.00 |
| Expense: | 81-2-2500-0100 | Neuse/Perry Interceptor | $2,254,000.00 |

Section 5. That the 1985/1986 Budget be amended as follows to provide funds for engineering studies related to future expansion of the Wastewater Treatment Plant:

| | | | |
|---|---|---|---|
| Revenue: | 81-1-0090-0220 | From Fund Balance | $ 289,000.00 |
| Expense: | 81-2-1082-0102 | NRWWTP Eng. Studies | $ 289,000.00 |

Section 6. That the 1985/1986 Budget be amended as follows to set up funds for construction of 42" water main in Atlantic Avenue from Millbrook Road to Spring Forest Road, 3 West Raleigh main projects, Lassiter Mill relocation and inner City main replacements:

| | | | |
|---|---|---|---|
| Revenue: | 80-1-0090-0220 | Appr. Reserve | $1,296,000.00 |
| Expense: | 80-2-1500-0101 | Atlantic Ave. 42" Const. | $ 699,000.00 |
| | 80-2-1500-0104 | Atlantic Ave. 42" Misc: | 1,000.00 |
| | 80-2-1510-0101 | West Raleigh Mains Const. | 168,000.00 |
| | 80-2-1510-0104 | West Raleigh Mains Misc. | 1,000.00 |
| | 80-2-1520-0101 | Lassiter Mill Reloc. | 75,000.00 |
| | 80-2-1530-0000 | Inner. Ciy Main Replacements | 352,000.00 |

Section 7. That the 1985/1986 Budget be amended as follows to cover cost of construction for the 16" water main in US 70, various water mains needed for the thoroughfare program, Wade Avenue and Pullen Park Booster station improvements, E. M. Johnson Plant Improvements and Residential backflow prevention programs:

| | | | |
|---|---|---|---|
| Revenue: | 84-1-0090-0220 | Appr. Reserve | $5,375,911.00 |
| | 84-1-0050-0250 | 1986 State Water Grant | 607,089.00 |
| Expense: | 84-2-1500-0101 | US 70 West 16" Water Const. | $ 999,000.00 |
| | 84-2-1500-0104 | US 70 West 16" Water Misc. | 1,000.00 |
| | 84-2-1510-0101 | Thoroughfare Mains | 600,000.00 |
| | 84-2-1520-0101 | Wade & Pullen Booster Pumps | 685,000.00 |
| | 84-2-1070-0101 | EM Johnson Plant Improv. Const. | 90,000.00 |
| | 84-2-1070-0102 | EM Johnson Plant Impr. Eng. | 10,000.00 |
| | 84-2-1530-0101 | Residential Backflow Pro. | 2,700,000.00 |
| | 80-2-1530-0101 | Inner City Main Replacements | 898,000.00 |

Adopted: 11/5/85

***CIVIC CENTER - BIDS FOR INTERNAL IMPROVEMENTS - JOINT AWARD MADE TO D. W. WARD, BOLTON CORPORATION, MECHANICAL ASSOCIATES, AND EDWARDS ELECTRICAL - FUNDS APPROPRIATED

Bids have been received on the second phase of improvements to the new meeting room at the Civic Center which would be located adjacent to the parking garage. A copy of the bid tabulation was included in the Agenda packet.

Recommendation: That the low bids be accepted subject to a deduction of $10,279 on the general contract to eliminate a movable wall. This would mean the award of the following contracts:

| | |
|---|---|
| General - D. W. Ward | $166,424 |
| Plumbing - Bolton Corp. | 10,644 |
| HVAC - Mechanical Assoc. | 34,766 |
| Electrical-Edwards Elec. | 38,883 |

The Agenda further recommended a transfer of funds from Code Account 40-2-1517-0100 to provide for establishing the expense accounts for these projects. Ms. Babb moved the recommendation as outlined be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 653-TF-8.

***SOUTHSIDE WATER SYSTEM UPGRADE - AMENDMENT ON CONTRACT WITH CAMP, DRESSER AND MCKEE - APPROVED - FUNDS APPROPRIATED

City Manager Benton indicated the City has chosen to defer the modification of the Southside Plant to a repump system for the distribution system until the Pitometer Study is completed. However, the Clearwells at the plant will be a valuable storage element on the distribution system regardless of whether Southside is a major or minor repump facility. These tanks are old and major repairs will be needed. It is desired to amend the design services contract with Camp, Dresser and McKee to provide for design plans to repair the tanks and provide design plans for a minor adjustment to our existing pump system to continue use of these tanks. A fee schedule and contract amendment have been negotiated.

Recommendation: That the Council approve the amended contract and the following transfer:

From:

| | | |
|---|---|---|
| 84-2-1340-0000 | Bain Repump Facility - Water Bond | $65,000 |

To:

| | | |
|---|---|---|
| 84-2-1341-0102 | Bain Clearwell Rep.-Eng. | $65,000 |

Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. See Ordinance 653-TF-8.

***WASTEWATER TREATMENT PLANT - CONTRACT AMENDMENT WITH HAZEN & SAWYER - APPROVED

City Manager Benton explained o proceed with plant system analysis for expansion to 50 MGD and to study the feasibility of phosphate removal, a contract amendment has been negotiated with the current engineer for plant expansion, Hazen & Sawyer. In addition, a proposed contract amendment has been negotiated to provide for the development of a detailed operations and maintenance manual for the plant including the improvements now being completed. A copy of the proposed contract amendment was included in the Agenda packet.

Sufficient funds exist in the current design expense account to fund the $65,000 for the operations and maintenance manual development. It is noted that this also includes an on-site training program for the staff. The expansion feasibility study is proposed at a fee of $56,000.

Recommendation: That the Council approve the contract amendments with Hazen & Sawyer. Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Babb and a roll call vote resulted and all members voted in the affirmative. The Mayor ruled the motion adopted.

***MOORE SQUARE AREA - STREET PROJECT - ADMINISTRATION TO NEGOTIATE CONTRACT WITH LU AND SEARS - TO BE PRESENTED TO COUNCIL

City Manager Benton indicated requests for proposals have been solicited to provide design service for the Martin and Davie Street improvements. Those firms submitting proposals are as follows: Lu and Sears; Hunter, Reynolds, Jewell; Patton, Zucchino and Associates; Little and Little; Williams and Associates; Bell Design Group; Lewis Clarke Associates. City Manager Benton indicated the three firms recommended for consideration are Lu and Sears; Patton, Zucchino and Associates; and Williams and Associates.

Recommendation: That the Council approve the firm of Lu and Sears subject to Administration being able to negotiate a contract, which will be brought back to Council for approval.

Mr. Calloway questioned if all three firms are available to do the work now. Mr. Walters questioned how Administration came up with this recommendation with City Manager Benton explaining Administration looked at the work in progress, or work that has been completed by the firms submitting proposals, as well as time schedule. He explained that the firm of Lu has had a lot of experience and explained some of the work that has been accomplished, pointing out the firm of Lu has joined together with the local firm of Sears. City Manager Benton explained that the firm of Sears has not been involved in City projects that much in the past. After other discussion on the experience of the firm, past work, etc., Ms. Cates moved Administration's recommendation be upheld. Her motion was seconded by Mayor Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CITY MARKET ESCROW AGREEMENT - APPROVED - OPERATING RESERVED AUTHORIZED

Under the terms of the City Market Agreement, the City is to establish an operating reserve account of $1,219,000 within 20 days after the developer indicates their willingness to proceed to acquire property from the City. The developer has given written notice of this intent.

A copy of this proposed escrow agreement was provided to Council prior to the meeting.

Recommendation: That Council approve the escrow agreement and authorize its execution and approve the establishment of the operating reserve as provided in the agreement. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 666.

***CITY MARKET PROPERTY SALE - RESOLUTION ADOPTED

City Manager Benton explained as the developer has met his obligations for this project and is prepared to proceed, it is necessary that the Council officially establish this as an economic development project to fall under the terms of the City's Special Economic Development Area Legislation. This provides the framework for the sale of the land. A copy of a proposed resolution was included in the Agenda packet.

Recommendation: Adoption of resolution concerning sale of the City Market land. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION 1985 - 985

A RESOLUTION TO AUTHORIZE THE FUTURE SALE OF CERTAIN PROPERTIES IN THE CITY MARKET PROJECT AREA PURSUANT TO SECTION 2.14 (76) OF TH RALEIGH CITY CHARTER:

WHEREAS, the General Assembly of North Carolina has granted to the City of Raleigh the authority to participate in economic development projects and to create Economic Development Areas and to exercise special powers and authorities in such areas; and

WHEREAS, the City Market Project is within that portion of the City of Raleigh's downtown area subject to designation as an Economic Development Area; and

WHEREAS, the City Council has adopted the City Market Redevelopment Plan Amendment to the Downtown East/Eastside Redevelopment Plan by which the City will acquire property, provide grants and loans, and make public improvements to encourage private redevelopment; and

WHEREAS, the City is, or will become, the owner of the property located in the City Market project being further described as follows:

BEGINNING at the intersection of the centerline of South Blount Street and East Marin Street running thence south along the centerline of South Blount Street approximately 460 feet to the intersection of the South Blount Street centerline with the East Davie Street centerline; running thence easterly along the East Davie Street centerline approximately 290 feet to its intersection with the eastern right-of-way line projected of Blake Street; running thence north along Blake Street eastern right-of-way approximately 130 feet to the intersection with the southern property line of Tax Parcel #1, (Tax Block A41); running thence approximately 60 feet along said property line t the intersection with the eastern property line of Tax Parcel #1 (Block A41); running thence northerly along the eastern most property lines of parcels #1, 2, 3, 4, 5, 7 (Tax Block A41) approximately 325 feet to the intersection of the southern right-of-way line of East Martin Street; running thence westerly along the East Martin Street centerline approximately 460 feet to its intersection with the centerline of South Blount Street, the point of BEGINNING.

WHEREAS, the City of Raleigh has selected a redeveloper for the City Market project, the Cranston Development Company, after soliciting proposals, advertisements, notices and conducting public hearings; and

WHEREAS, the City and Cranston Development Company have prepared a plan and program to improve the above described property, the improvement of said property will be for the welfare of the City and the continued revitalization of the central core area, and further will encourage the development of adjacent or nearby property which may now be blighted, deteriorated or otherwise in need of rehabilitation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

It is in the public interest and beneficial to the general welfare of the City to declare the property described above to be an Economic Development Area and that City participation in an Economic Development Project connected with the property is appropriate. In order to participate in the project, the City Council hereby authorizes the City to execute the provisions of the Contract entered into on August 19, 1985, between the City of Raleigh and Cranston Associates (the affiliate of the Cranston Development Company) including the provision therein related to the sale of property to Cranston Associates.

Adopted: 11/5/85

Effective: 11/5/85

***BARBER BUILDING - EAST MARTIN STREET - BID AWARDED TO SCOTIA CONSTRUCTION INCORPORATED AND D. H. GRIFFIN WRECKING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the architect, Terry W. Alford, on October 31, 1985, for the partial demolition and stabilization of the Barber Building with results as follows: J. C. Edwards - $171,450 (general construction and demolition); Scotia Construction - $108,000 (general construction); D. H. Griffin Wrecking - $53,900 (demolition); Security Building Company - $183,000 (general construction and demolition). It was pointed out this building is located partially on the site for the transit transfer facility and two-thirds of the structure needs to be demolished. The remaining one-third is to be retained and sold for private use. The Agenda indicated a previous item on the Capital Improvement Program update includes the appropriate funding adjustment.

Recommendation: That the low bid of Scotia Construction Incorporated of $108,000 and the bid of B. H. Griffin Wrecking Company for $53,900 be accepted. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a roll call vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

## REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***BILLBOARD CASE - INFORMATION RECEIVED

City Attorney McCormick indicated, as a matter of information, the City did win the billboard/sign litigation. He stated, however, the case has been appealed to the U.S. Fourth Circuit Court in Richmond.

***WORKMEN'S COMPENSATION CASE - CITY AUTHORIZED TO APPEAL

City Attorney McCormick indicated in the past week we received a distressing decision relating to a Workmen's Compensation case. He briefly explained that a policeman had committed suicide and his wife filed suit indicating stress during his work as police officer was the cause of his action. City Attorney McCormick requested permission to appeal the case. Mr. Walters moved the Attorney's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

## REPORT OF MAYOR AND COUNCIL MEMBERS

***ARTS FOUNDATION - GRANT OF $5,000 - AUTHORIZED

Mayor Upchurch read a letter from the Arts Foundation dated September 10 indicating they were willing to take on the fund raising efforts as had been discussed earlier. He stated, however, they are asking that the City grant $5,000 to them to start their work with. Mayor Upchurch moved that the Council appropriate $5,000 from City Council contingency for that purpose. His motion was seconded by Ms. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 653-TF-8.

***GRAVESITES - DUNN HEIRS - INFORMATION RECEIVED

Mayor Upchurch indicated he had been contacted earlier in the day relative to gravesites of the Dunn heirs in the vicinity of Sanderson High School. He indicated this item has been going on for sometime and he is working with the attorney and the Dunn heirs in trying to get the matter resolved. He indicated he was just passing this information on in case any of the Council Members received a call from the people involved asking for help. He indicated the Dunn heirs came in earlier today asking that the City rescind the building permit, but that would not solve the problem, and he knows of nothing the City can do, but he is working with the people through the City Attorney's Office. Brief discussion took place relative to removing

gravesites with City Attorney McCormick explaining there is a long involved process, but no real standards as to when gravesites can be moved. He indicated, however, none of the duties involve the City.

***CITY COUNCIL RULES AND PROCEDURES - OUTGOING COUNCIL MEMBERS ASKED TO REPORT

Mayor Upchurch indicated at a recent meeting he asked that the four Council members who are going off Council, with Mr. Keller acting as chairperson to look at the operating procedures of the City Council, and make any suggestions that they feel would be appropriate.

***REAL ESTATE COMMITTEE - SCHEDULE FOR NOVEMBER 14, 2:30 p.m.

Mayor Pro Tem Walters indicated the Real Estate Committee has been rescheduled until 2:30 p.m. on November 14. He indicated the original meeting time conflicted with the Economic Development Round Table.

***INTERNATIONAL FESTIVAL - FUNDS APPROPRIATED FOR THREE MEMBERS TO ATTEND MILWAUKEE FESTIVAL

Mayor Pro Tem Walters briefly explained the International Folk Festival Committee pointing out sometime back the City Council appropriated money to allow the director of the Milwaukee Folk Festival to come to Raleigh to share her expertise in putting on a Folk Festival. He indicated, however, they would like to cancel that request and appropriate $2,000 from City Council Contingency, which would allow three members of the Raleigh International Folk Festival Committee to attend the Milwaukee Folk Festival. He indicated the sponsors of the Milwaukee Festival have agreed that our people could go to Milwaukee and work hand and glove with them, so they could see behind the scenes preparation for the festival. Mr. Walters moved appropriation of the $2,000 as explained. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 653-TF-8.

***SISTER CITY COMMITTEE - REFERRED TO WORK SESSION

Mr. Walters indicated Council Members have been receiving copies of the Sister City Committee Meetings. He indicated very shortly they will be drafting Articles of Incorporation and this will be passed on to Council. He explained the work going on on the International Festival which is to be held sometime in 1986. He asked that this be referred to Work Session so that a progress report could be given on their work. He brifely explained work that has been carried on by the St. Petersburg, Florida group and the hopes that some of our members could attend a meeting in February in St. Petersburg. Without objection, the item was referred to a future Work Session.

***NORTHERN WAKE EXPRESSWAY - ENVIRONMENTAL IMPACT STUDY - ADMINISTRATION TO TRY TO EXPEDITE

Ms. Cates indicated she understood we have to have an environmental impact study on the Northern Wake Expressway, and she would like Administration to pursue the feasibility of expediting this study by the State, if possible. Mayor Upchurch pointed out that has already taken place. NCDOT is working on trying to move it forward. He explained it is a top priority with the State DOT.

***REGIONAL AUTHORITY - PLANNING EFFORTS - ADMINISTRATION TO PROVIDE REPORT

Ms. Cates indicated in attending recent seminars on exploding growth in the Triangle there was discussion about the possible need for regional authority. She indicated she would like to take a look at how the City of Raleigh is currently cooperating or coordinating efforts with Wake, Orange and Durham County, what we do now, how our efforts should be expedited, do we need State legislation to set-up authorities, etc. She stated she feels good about our recent extension of ETJ, but questioned if there is anything else the City needs to do, do we need another authority, and if so how it should be structured. She stated in her opinion Raleigh has to take the lead in this planning effort. She indicated this is a request for information from Administration.

***ASHLAND CHEMICAL - SPILL - COMMENTS RECEIVED

Mr. Calloway indicated he has received a number of questions about how much information the City may currently have on the chemical spill at Ashland Chemical Company. City Manager Benton indicated the primary responsibility for addressing chemical storage and spills is delegated to the State Department of Human Resources. He explained they have the responsibility of investigating spills in our waterways. He indicated in this particular case the City has served to stimulate that procedure and it is under investigation through the proper legal procedures. Mr. Calloway questioned if a full disclosure will take place when this is completed. City Manager Benton indicated the City will stay on top of it to see if there are any health hazards involved. City Attorney McCormick indicated it depends on how this case is handled pointing out there is a possibility that the investigative reports will never be disclosed. City Manager Benton indicated the State will have to make that determination.

***STREET LIGHT - 1700 BLOCK OF OAKWOOD AVENUE - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he had received some request about the possibility of a street light at the midpoint of the 1700 block of Oakwood Avenue. He asked Administration to look at this location to see if there needs to be a street light.

Mr. Walters indicated he has had numerous complaints about the orange street lights that are being installed throughout the City. He indicated the complainants state mainly that they only put out about one-half the amount of light and it is difficult to see with the orange lighting.

***COMMITTEE MEETINGS - PUBLIC WORKS AND COMPREHENSIVE PLANNING - ESTABLISHED

Ms. Block indicated due to the North Carolina League of Municipalities Meeting being held in Raleigh, the Public Works Committee will meet on Wednesday, November 13, at 1:00 p.m.

Ms. Cates pointed out the Nominating Committee would meet at 11:00 a.m. on November 13.

***SIDEWALKS - KINGSMILL VILLAGE - CITY ATTORNEY TO PROCEED

Mr. Congleton indicated we have a reoccurring item relating to the lack of sidewalks in Kingsmill Village. He stated he understands no action has taken place and the City has previously authorized the City Attorney to proceed with legal action. He stated he would like to see the City Attorney proceed with the original recommendation and that is file suit against the developer. Without objection this was agreed to.

***ZONING HEARING - NOVEMBER 21 - MR. CONGLETON EXCUSED

Mr. Congleton indicated he would like to be excused from the November 21, 1985, Joint Zoning Hearing with the Planning Commission. Without objection Mr. Congleton was excused.

***COMPREHENSIVE PLANNING COMMITTEE - REMAINING ITEMS ON THE AGENDA - REFERRED TO ADMINISTRATION

Ms. Babb pointed out the Comprehensive Planning Committee has three items on its Agenda - Central District Plan, Joint Planning Commission and Staffing for the Planning Department. She indicated she understands the Central District Plan is not ready for discussion. She explained the Joint Planning Commission item is something that has been discussed, but it is not ready for any resolution. She stated as far as the staffing for the Planning Department is concerned that a number of additional positions have been created. She stated after talking with the other members of the Comprehensive Planning Committee it was agreed that the Comprehensive Planning Committee would not meet again during this Council tenure. Without objection these three items would be referred to administration to be brought back to the next City Council if needed. With that objection this was agreed to.

***THOROUGHFARE PLANS - REMOVAL OF CRABTREE BOULEVARD - REFERRED TO ADMINISTRATION

Mr. Walters indicated he has an item that he had wanted the Comprehensive Planning Committee to study, but at this point he would ask that it be referred to Administration. That is, refer to Administration to come back to the next City Council with suggestions relating to removal of Crabtree Boulevard from the thoroughfare plan. Without objection the item was referred to Administration.

***NUCLEAR FREEZE - INFORMATION TO BE SENT TO MS. CY KING

Ms. Babb indicated about three years ago the City Council passed a resolution relating to nuclear freeze. She indicated, as she recalled, each year the resolution is to be sent to the President of the United States and questioned if this has been done. City Manager Benton indicated it has been accomplished each year since the adoption of the resolution. Ms. Babb asked that this information be sent to Ms. Cy King.

***PERSONNEL - CAROLYN CARTER - RESOLUTION COMMENDING

Ms. Babb indicated she understands Assistant City Manager Carolyn Carter has given birth and she would move adoption of a resolution commending Carolyn for the delivery and joyous event. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Resolution 986.

***PERSONNEL - DEATH OF CLIFTON WOODLIEF - MAYOR TO WRITE LETTER

Mr. Walters indicated recently Cliff Woodlief, Past Chairman of the Raleigh Planning Commission, passed away. He indicated he felt the Council should express its sympathy. Without objection the Mayor was requested to write a letter to the Woodlief family on behalf of the City Council.

REPORT OF CITY CLERK AND TREASURER

***SANITARY SEWER EASEMENT - LOT 63 AND 64 - SALE AUTHORIZED

During the City Council Meeting held on October 1, 1985, the City Council declared certain sections of sanitary sewer easement on Lots 63 and 64, Brookhaven/Deblyn Park, surplus and authorized its sale through the upset bid method. Proper procedures have been followed and it is recommended that the City Council adopt a resolution authorizing the sale of the property to Schurgin Development Corporation for $1,300. Mr. Congleton moved adoption of the resolution as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-987

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN SANITARY SEWER EASEMENTS

WHEREAS, on October 1, 1985, the City Council declared certain sections of sanitary sewer easement on Lots 63 and 64, Brookhaven/Deblyn Park (20 feet in width and proposed temporary construction easements 20 feet in width as shown on Lots 63 and 64, Book of Maps 1982, Page 525, Wake County Registry - Sheet 5 of 6) and authorized its sale through the upset bid method.

WHEREAS, all procedures that set out in General Statute have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the easements as outlined above be sold to Schurgin Development Corporation for $1,300.

Section 2. That the Mayor be authorized to sign necessary instruments of conveyance and the City be authorized to allow proper maps to be recorded.

Adopted: 11/5/85

Effective: 11/5/85

***TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

The City Clerk reported Council Members received in their Agenda packet three proposed resolutions relating to tax refunds and/or rebates. Adoption of the resolutions is recommended. Approval of the listing as submitted by the Wake County Tax Supervisor for refunds due to clerical error only for the month of August is also recommended. Mr. Congleton moved adoption of the resolutions and tax listings as recommended. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 988

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N. C. General Statutes 105-275(10) & (11) & 278.3 exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

| YEAR | TAXPAYER | AMT. OF VALUE | RECOMMENDATION |
|---|---|---|---|
| 1985 | Devro, Inc. | $102,083 | Approved |
| 1985 | First Baptist Church | 85,260 | Approved |

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 11/5/85

RESOLUTION NO. (1985) 989

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, The proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upong the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

| YEAR | TAXPAYER | ACCOUNT NO. | AMOUNT OF REFUND | REASON FOR REFUND |
|---|---|---|---|---|
| 1985 | Boykin, Jiles R. & Evelyn O. | 13-2-0007465 | $ 18.84 | Error-Illegal Bill |
| 1985 | Fowler, Carol Royal | 01-2-5045476 | 13.09 | Error-Illegal Bill |
| 1984 | Harris, Ryland Michael & Wanda B. | 01-2-0060358 | 31.27 | Error-Illegal Bill |
| 1985 | Hine, Stephen Michael | 01-2-5225644 | 79.30 | Error-Illegal Bill |
| 1985 | Neukom, Thomas R. & Kathryn S. | 01-2-0026040 | 69.36 | Error-Illegal Bill |
| 1984 | Norman, Lulu W. | 11-2-0051058 | 520.00 | Error-Illegal Bill |
| 1983 | Norman, Lulu W. | 01-2-0051058 | 20.24 | Error-Illegal Bill |
| 1984 | Novak, James J. | 07-2-5279363 | 20.01 | Error-Illegal Bill |
| 1985 | Parker, Kathy D. | 07-2-5279363 | 3.15 | Error-Illegal Bill |
| 1984 | D. L. Peterson Trust | 01-7-5270519 | 53.20 | Error-Illegal Bill |
| 1985 | Smith, R. W. & Alice | 01-2-0065485 | 9.17 | Error-Illegal Bill |
| 1984 | Stinson, Katharine & Maude S. Morrow | 01-2-0067947 | 43.26 | Error-Illegal Bill |
| 1983 | Stinson, Katharine & Maude S. Morrow | 01-2-0077947 | 25.47 | Error-Illegal Bill |

Section 2. That the City/County Tax Collector and City Revenue Collector are aurhorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 11/5/85

RESOLUTION NO. (1985) 990

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

| YEAR | TAXPAYER | ACCOUNT NO. | TAX VALUE | RECOMMENDATION |
|---|---|---|---|---|
| 1985 | Kevin D. & Sheila K. Barnett | 01-2-5288639 | $ 1,928 | Relieved |
| 1985 | Natalie Dyer Bragassa | 01-2-5044158 | 5,650 | Relieved |
| 1985 | E. E. Burton, Jr. & Carolyn J. | 01-2-5288642 | 35,440 | Relieved |
| 1985 | Carolina Pump & Supply Co. | 01-1-5706412 | 491,004 | Relieved |
| 1985 | John P. & Ada H. Fulk | 01-2-5287574 | 3,980 | Relieved |
| 1985 | Amelia Bryant Glascoe & John Thomas | 01-8-5510468 | 7,770 | Relieved |
| 1985 | Stella Harris Lindsey | 01-2-5521038 | 300 | Relieved |
| 1985 | William Felton Lindsey | 01-2-5521041 | 660 | Relieved |
| 1985 | Florence R. & Donald J. McQuade | 01-2-5288641 | 10,611 | Relieved |
| 1985 | Eathrum Livingston Monroe | 01-2-5288666 | 1,760 | Relieved |
| 1985 | John Ferry Noble | 01-8-5527124 | 470 | Relieved |
| 1985 | John Ferry Noble | 01-2-5527125 | 12,180 | Relieved |
| 1985 | SAS Institute, Inc. | 17-1-5289410 | 46,160 | Relieved |
| 1985 | Walter D. Vangieson, Jr. & Joan R. | 01-2-5285788 | 7,388 | Relieved |
| 1985 | James A. & Doris R. Williams | 01-2-5288632 | 8,083 | Relieved |
| 1985 | John V. & Suzanne S. Zeok | 13-2-5287467 | 27,040 | Relieved |
| 1985 | Henry Kapper | 01-2-5056358 | 7,980 | Relieved |

Section 2. That the following requests for relief be denied:

| YEAR | TAXPAYER | AMOUNT |
|---|---|---|
| 1985 | Cathryn T. Childers | $14,554 |
| 1985 | Cathryn T. Childers | 3,564 |
| 1985 | Richard W. & Bonnie W. Gaylord | 11,085 |

Section 3. That the City/Council Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax record by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 11/5/85

***SANITARY SEWER EASEMENT - STONEY BROOK COMMERCIAL CENTER - RESOLUTION AUTHORIZING EXCHANGE ADOPTED

The City Clerk reported during the October 15, 1985, Council Meeting, the City Council adopted a Resolution of Intent to exchange sanitary sewer easements relating to Stoney Brook Commercial Center. The proper procedures have been followed and it is recommended that the City Council adopt a resolution authorizing the exchange of property as outlined in Resolution 1985-963. Mr. Congleton moved adoption of the resolution as recommended. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION 1985-991

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN SANITARY SEWER EASEMENTS

WHEREAS, on October 15, 1985, the City Council adopted Resolution 1985-963 relating to the City's intent to exchange sanitary sewer easements in the Stoneybrook Commercial Cetner; and

WHEREAS, all procedures as set out in General Statutes 16A-271 have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the easements as outlined in Resolution 1985-963 be exchanged and appropriate map recorded and the Mayor be authorized to sign any necessary instruments of conveyance.

Adopted: 11/5/85

Effective: 11/5/85

***PRELIMINARY ASSESSMENT ROLLS - VARIOUS LOCATIONS - PUBLIC HEARING AUTHORIZED FOR DECEMBER 3

The City Clerk indicated the following preliminary assessment rolls will be presented. Adoption of the assessment rolls is recommended as this would set a public hearing to consider confirmation of cost during the December 3, 1985, Council Meeting:

AR 699 - Atlantic Avenue (Outside City Limits)
Water AR 1026 - Atlantic Avenue (Outside City Limits)
Water AR 1027 - Millbrook Road
Sewer AR 1028 - Falls of Neuse Road
Water AR 1027A - Millbrook Road (Outside the City Limits)

Mr. Congleton moved adoption of the preliminary assessment rolls, which would set a public hearing to consider confirmation during the December 3, 1985, Council Meeting. His motion was seconded by Ms. Babb and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 992

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 699
Powell Fund

WHEREAS, by Resolution No. 1984-516, adopted by the City Council on May 1, 1984, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and construction of Atlantic Avenue, fifty-three feet back-to-back from the north end of Winton Road, northward to Millbrook Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $161,216.10.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | FRONTAGE | TOTAL STREET ASSESSMENT | DRIVEWAY REPLACEMENT COST | TOTAL ASSESSMENT |
|---|---|---|---|---|---|---|
| Jack E. Norwood & Wife | 1 | 0051588 | 467.10 | $14,013.00 | $14,013.00 | |
| S. J. Company | 2 | 0086274 | 1,013.03 | 30,390.90 | 30,390.90 | |
| Ashland Const. Company | 3 | 0007702 | 207.20 | 6,216.00 | 6,216.00 | |
| Millbrook Assoc. & Etal. | 4 | 0013219 | 1,049.37 | 31,481.10 | 31,481.10 | |
| J. R. Adams | 5 | 0124848 | 413.30 | 12,399.00 | 12,399.00 | |
| S. J. Company | 6 | 0086274 | 1,014.84 | 30,445.20 | 30,445.20 | |
| Ashland Const. Company | 7 | 0007702 | 183.94 | 5,518.20 | 5,518.20 | |
| Millbrook Assoc. & Etal. | 8 | 0013219 | 1,025.09 | 30,752.70 | 30,752.70 | |

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 699 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 3rd day of December, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 11/5/85

RESOLUTION NO. (1985) 993

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1026

WHEREAS, by Resolution No. 1983-200 adopted by the City Council on April 5, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: PU 1982-29, Installation of approximately 2,710 feet of 30" ductile iron water main in Atlantic Avenue from the northern end of Winton Road to Millbrook Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $45,106.72.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | SUBDIVISION LOT NO. | FRONTAGE ASSESSED | AMOUNT ASSESSED |
|---|---|---|---|---|---|
| Jack E. Norwood & Wife | 1 | 0051588 | - | $ 467.10 | $4,152.52 |
| S. J. Company | 2 | 0086274 | - | 1,013.03 | 9,005.84 |
| Ashland Construction Company | 3 | .0007702 | - | 207.20 | 1,842.01 |
| Millbrook Assoc. & Et Al. | 4 | 0013219 | - | 899.37 | 7,995.40 |
| J. R. Adams | 5 | 0124848 | - | 413.30 | 3,674.24 |
| S. J. Company | 6 | 0086274 | - | 1,014.84 | 9,021.93 |
| Ashland Construction Co. | 7 | 0007702 | - | 183.94 | 1,635.23 |
| Millbrook Assoc. & Et Al. | 8 | 0013219 | - | 875.09 | 7,779.55 |

Cost Per Foot: $8.89

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1026 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 3rd day of December, 1985 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 11/5/85

RESOLUTION NO. (1985) 994

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1027

WHEREAS, by Resolution No. 1934-204 adopted by the City Council on April 5, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: PU 1982-26, Installation of approximately 1,100 feet of 16-inch water main in Millbrook Road from Atlantic Avenue eastward 1,100 feet to the dead end of the existing 16-inch water main; PU 1982-27, Installation of approximately 3,000 feet of 24-inch water main within the right-of-way and proposed realignment of Millbrook Road from existing city limits eastward to the proposed Atlantic Avenue.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $3,292.32.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | SUBDIVISION LOT NO. | FRONTAGE ASSESSED | AMOUNT ASSESSED |
|---|---|---|---|---|---|
| QR Realty | 1 | 0057954 | - | $100.00 | $ 889.00 |
| Wright Associates | 3 | 0088239 | - | 0.63 | 5.60 |
| Robert W. Wynne, III | 4 | 0009293 | - | 194.71 | 1,730.97 |
| Housing Authority of City of Raleigh | 27 | 0121626 | - | 75.00 | 666.75 |

Cost Per Foot: $8.89

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1027 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 3rd day of December, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 11/5/85

RESOLUTION NO. (1985) 995

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1028

WHEREAS, by Resolution No. 1985-716 adopted by the City Council on February 19, 1985, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: PU 1985-3, Installation of approximately 459 feet of eight-inch sewer PVC sewer main in Falls of Neuse Road sewer extension to the 8500 block from existing sewer located at Bentwood Place off of Rainwood Lane.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $4,661.85.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | SUBDIVISION LOT NO. | FRONTAGE ASSESSED | AMOUNT ASSESSED |
|---|---|---|---|---|---|
| Lewis P. Walton & wife Iona B. | 1 | 0074031 | - | $ - | $2,255.31 |
| Martha H. Walton Estate | 2 | 0074050 | - | - | 2,255.31 |
| Darius N. Bazargan | 3 | 0105833 | - | - | 151.23 |

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1028 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 3rd day of December, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 11/5/85

RESOLUTION NO. (1985) 996

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1027A

WHEREAS, by Resolution No. 1083-204 adopted by the City Council on April 5, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: PU 1985-3, Installation of approximately 459 feet of eight-inch sewer PVC sewer main in Falls of Neuse Road sewer extension to the 8500 block from existing sewer located at Bentwood Place off of Rainwood Lane.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $46,915.20.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | SUBDIVISION LOT NO. | FRONTAGE ASSESSED | AMOUNT ASSESSED |
|---|---|---|---|---|---|
| Millbrook Baptist Church | 2 | 0090580 | - | $468.29 | $4,163.10 |
| Hoyle Drive Associates | 5 | 0005502 | - | 182.65 | 1,623.76 |
| North Boulevard Industrial Park | 6 | 0141640 | - | 3.81 | 33.87 |
| Claude M. Holliday | 7 | 0032334 | - | 88.40 | 785.88 |
| Historic Millbrook Assoc. | 8 | 0025663 | - | 78.86 | 701.07 |
| Blue Ridge Stone Co., Inc. | 9 | 0121413 | - | 100.96 | 897.53 |
| Millbrook Property Associates & Et Al. | 10 | 0013218 | - | 310.85 | 2,763.46 |
| North Boulevard Industrial Park | 11 | 0037030 | - | 252.09 | 2,241.08 |
| William C. Collins & Et Al. | 12 | | - | 188.55 | 1,676.21 |
| North Boulevard Industrial Park | 12A | 0037030 | - | 181.81 | 1,616.29 |
| John M. & James P. Mettrey | 13 | 0091758 | - | 150.00 | 1,333.50 |
| Fuad Akil Rihani & Katherine | 14 | 0048134 | - | 70.30 | 624.97 |
| Wake County Board of Education | 15 | 0092466 | - | 767.00 | 6,818.63 |
| Jack E. Norwood | 16 | 0015274 | - | 394.11 | 3,503.64 |
| Millbrook Methodist Church | 17 | 0090629 | - | 473.02 | 4,205.15 |
| Amy R. Poole | 18 | 0056052 | - | 58.00 | 515.62 |
| North Boulevard Industrial Park | 19 | 0025687 | - | 133.20 | 1,184.15 |
| Milton M. Croom & Ruth S. | 20 | 0015950 | - | 238.07 | 2,116.44 |
| Millbrook Property Associates & Et Al. | 21 | 0013218 | - | 397.80 | 3,536.44 |
| North Boulevard Industrial Park & Et Al. | 22 | 0099922 | - | 71.41 | 634.83 |
| Millbrook Associates & Et Al. | 23 | 0013219 | - | 158.83 | 1,412.00 |
| Millbrook Associates & Et Al. | 24 | 0013219 | - | 183.42 | 1,630.60 |
| John D. Joslin & Et Al. | 25 | 0038004 | - | 174.80 | 1,553.97 |
| Whitley Zoysia Farm | 26 | 0076549 | - | 151.07 | 1,343.01 |

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1027A is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 3rd day of December, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 11/5/85

***MINUTES - OCTOBER 15 MEETINGS - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the October 15, 1985, Council Meeting and Joint Hearing with the Planning Commission. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ELECTIONS - ABSTRACT OF RESULTS - PRESENTED

The City Clerk indicated Council Members received in their Agenda Packet a copy of the abstract of the results of the election held on October 8, this is for information only. Without comments the abstracts were received.

***ANNEXATION - VARIOUS LOCATIONS - REFER TO CITY CLERK TO CHECK SUFFICIENCY AND SCHEDULE PUBLIC HEARING

The City Clerk has received the following petitions for annexation. The next step, if so desired, would be direct the City Clerk, if found sufficient, to set a public hearing.

1. Dillmark Townhomes, Creech Road
2. Emerald Chase Subdivision, Strickland/Leadmine Roads
3. Cobblestone Cluster Unit Development, Buffaloe Road-Satellite
4. Westlake Village, Phase II, Lake Lynn Area
5. Spring Pines CUD, Spring Forest Road - Satellite

Mr. Congleton moved the recommendation as outlined be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 5:00 p.m., to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

mlh/CCM1/1

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, November 5, 1985 at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congelton
Mr. Keller
Mr. Walters
Ms. Babb - Absent and excused

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

***RALEIGH BOYS' CHOIR - COMMENDED

Mayor Upchurch indicated many people in our City excel and the City Council tries to recognize some of these people. He explained many times it is young people. He read a commendation relating to the Raleigh Boys' Choir. The commendation was accepted by Mr. Thomas Sibbling, Director of the Boys' Choir, after which the Boys' Choir entertained the Council by singing several songs.

REQUEST AND PETITIONS OF CITIZENS

***PRIVILEGE LICENSE - REQUEST FOR REFUND OF PENALTY - APPROVED

Connie Smith representing Dorothy's Ruffled Originals was at the meeting to request a refund on the penalty imposed relating to her City privilege license. She indicated they were requested to renew the privilege license and in May issued a check in the amount of $405.77. She indicated the check was apparently lost in the mail as it was never received by the City and has not been returned. She stated they were charged a penalty of $50.72. She explained they have put a "stop payment" on the original check and have now reissued a check to cover the privilege license and she is at the meeting to ask that the penalty be refunded. City Manager Benton explained the privilege license program pointing out we depend upon receipt of payment for renewal of the license. He indicated we did not receive a check; therefore, a penalty was imposed. He indicated Administration concurs with the delinquent penalty. Mr. Walters pointed out the IRS indicates if you can show where you have a cancelled check or submitted the payment that penalties will be waived; therefore, he would move that the penalty relating to the privilege license for Dorothy's Ruffled Originals be waived. His motion was seconded by Ms. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ABANDONED VEHICLE - 5210 FALLS OF NEUSE ROAD - ACTION OF INSPECTIONS DEPARTMENT UPHELD

Daniel W. Woodall had requested to appeal the Inspections Department's orders relating to an alleged abandoned vehicle at 5210 Falls of Neuse Road. Mr. Woodall was not at the meeting. City Manager Benton explained the City received a complaint relating to an abandoned vehicle at 5210 Falls of Neuse Road, as it has been left on private property without the consent of the owner. After brief discussion Mr. Congelton moved that the City Council confirm the action of the Inspections Department. His motion was seconded by Keller and put to a vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***LONGVIEW GARDENS, INCORPORATED - REQUEST TO REMOVE GRAVES - RESOLUTION ADOPTED

Attorney Guy Brooks, 615 Oberlin Road, was at the meeting, representing Longview Gardens, Incorporated, requesting permission to remove abandoned graves on property owned by his clients. He indicated GS65-13 outlines the procedure that is being followed, which includes adoption of a concurring resolution of the governing body, where the abandoned graves are located. He explained the location pointing out it is in the vicinity of Enloe High School. He indicated Longview Gardens, Incorporated has owned the property a number of years and there appears to be somewhere between twenty-five and fifty graves located on the property. He indicated there have been numerous conveyance of the land upon which the cemetery or burying ground is located without reservation of said cemetery or burying ground. He indicated there is no evidence that the cemetery has been used, improved or maintained for more than fifty years, the area is in a densely wooded area overgrown by vegetation and large trees. He indicated the only evidence of this being a cemetery is a few depressions in the ground and the existence of several field stones within the area. He explained all of the graves are without identification by headstone or any other markings. He explained they have gone through the procedure of trying to determine the identity of any person that might be buried in the said cemetery and found no one. Therefore, they are going through the procedure for abandoning and all graves will be relocated.

City Manager Benton indicated the City Administration has no specific recommendation other than follow the request of the petitioner. City Attorney McCormick indicated Attorney Brooks has done a nice job complying with the statutes and the concurring resolution by the governing body is a formality. Mr. Walters moved approval of the resolution so that the property owner can proceed with the removal of the gravesites.

His motion was seconded by Mr. Congelton. Ms. Block questioned where the graves will be moved to with Attorney Brooks indicating his client has not made that decision yet, but it would probably be an established cemetery. Ms. Cates questioned how they were going to determine when all of the graves have been moved with Attorney Brooks explaining they are working with an expert that does a lot of this type work for the state. He explained the probing process. After discussion on the location and condition of the gravesite, Mr. Walters pointed out if someone walked out to the area they would not realize they were in a cemetery. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 997

WHEREAS, at a regular meeting of the Raleigh City council held on November 3, 1985, there was presented to the City Council a Petition by Longview Gardens, Incorporated, the owner in fee simple of a 74.6 acre tract of land located near the intersection of Dickens Drive and Calver Road in Raleigh Wake County, North Carolina and described in a deed recorded in Book 795, Page 56, Wake County Registry, North Carolina, requesting that said Petitioner be permitted to remove graves from an abandoned cemetery or burying ground located on said property.

NOW, THEREFORE, BE IT RESOLVED, that upon the basis of facts and information presented by the Petitioner, the Raleigh City Council hereby adopts the following findings and order:

1. That the Petitioner, Longview Gardens, Incorporated, is the owner in fee simple of the above-described tract of land.

2. That the aforesaid tract of land is located completely within the corporate limits of Raleigh, Wake County, North Carolina.

3. That there is situated upon the tract of land a cemetery or burying ground which is deemed abandoned within the meaning of the provisions of the North Carolina General Statutes Section 65-13.

4. That the identity of any and all persons who may be buried in said cemetery or burying ground is unknown.

5. That desired improvements to the tract of land necessitate the removal of said cemetery or burying ground.

6. That the request of the Petitioner to remove any graves that are found in the cemetery or burying ground located on the aforesaid tract of land is granted, and the Raleigh City Council consents to said removal, subject to compliance with the provisions of North Carolina General Statutes Section 65-13.

***SEWER EASEMENT - LIGHTFOOT INVESTMENTS - REFERRED TO PUBLIC WORKS COMMITTEE

Ms. Cates asked to be excused from participation in this matter. Without objection Ms. Cates was excused. Attorney Sam Johnson representing Lightfoot Investments was at the meeting to request the City to assist in acquiring an off-site sewer easement needed to serve Lightfoot Investments property located in the Duraleigh Road area. He indicated in order to properly serve the property with sewer it is necessary to install an eighteen inch sewer main. He explained they would have to cross private property, as well as property owned by NCSU. He stated they have been working with the owners, but will probably need City assistance in acquiring the easement and it would probably be best to discuss this item with a committee. Mayor Upchurch asked that the item be referred to Law and Finance Committee. Without objection, the item was so referred.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

***UNFIT BUILDING - 911 NEW BERN AVENUE - REPEALER ORDINANCE ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1985-646 was adopted on October 1, 1985, declaring property at 911 New Bern Avenue unfit. He indicated this property has been repaired, and he would request the Council to repeal the ordinance. Mr. Walters moved repealer of the ordinance relating to 911 New Bern Avenue. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 667

AN ORDINANCE REPEALING ORDINANCE NO. 1985-646 RELATING TO PROPERTY AT 911 NEW BERN AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That 1985-646 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: 11/5/85

Effective: 11/5/85

***UNFIT BUILDING - 507 SOUTH SAUNDERS STREET - REPEALER ORDINANCE ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1981-600 declared property at 507 South Saunders Street unfit. He indicated this ordinance has been repealed, but there is some problem locating it in the Wake County Courthouse; therefore, he would move repeal of Ordinance 1981-600 as it relates to 507 South Saunders Street to clear the records in the Register of Deed. Mr. Congelton moved approval of the repealer ordinance as recommended. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-668

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1981-600 RELATING TO THE PROPERTY LOCATED AT 507 SOUTH SAUNDERS STREET RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1981-600 relating to the property located at 507 South Saunders Street and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1981-600 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective November 5, 1985.

Adopted: 11/5/85

Effective: 11/5/85

MATTERS SCHEDULED FOR PUBLIC HEARING

***PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - REMOVED FROM THE AGENDA

A hearing was scheduled to consider adoption of a resolution confirming charges for abatting certain nuisances within the City. Housing Inspections Supervisor Bartholomew requested that the hearings be withdrawn as all of the charges have been paid. Without objection, the item was withdrawn from the Agenda with no action taken.

***STREET IMPROVEMENTS - COOKE STREET - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of curbs, gutters, drains and paving twenty-one feet back-to-back on Cooke Street from East Edenton Street to Jones Street with assessment to apply. Chief Engineer Thomas explained the proposal indicating this is a twenty-five foot right-of-way. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Block moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 998.

***STREET, SIDEWALK AND PUBLIC UTILITY IMPROVEMENTS - SPRING FOREST ROAD - HEARING - RESOLUTIONS ADOPTED

This was a hearing to consider the installation of curbs, gutters, drains, and paving 65-feet back-to-back, an extension from Spring Forest Road from the existing pavement, east of Seaboard Railroad, west to Spring Forest Road with the installation of sidewalks on both sides, and the installation of 800 feet of 24-inch and 1750 feet of 12-inch water main to serve this area with assessment to apply. Chief Engineer Thomas explained the proposed improvements. The Mayor opened the hearing to the public.

Attorney Marvin Musselwhite representing North Boulevard Industrial Park was at the meeting speaking in favor of the project. He stated; however, there is an agreement signed by North Boulevard, whereby they will participate in this project up to $300,000 and put the money up front and any collection of assessments that come in on the project up to that amount will go back to North Boulevard Industrial Park. He stated he just wanted to remind the City staff of this agreement, but pointed out they are in favor of the project. No one else asked to be heard. Ms. Cates moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-998

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

a. Installation of curbs, gutters, drains and paving 21 feet back-to-back on Cooke Street from East Edenton Street to Jones Street.

b. Installation of curbs, gutters, drains and paving 65 feet back-to-back, an extension from Spring Forest Road from the existing pavement, east of Seaboard Railroad, west to Spring Forest Road, with the installation of sidewalks on both sides.

c. Installation of curbs, gutters, drains and paving 65 feet back-to-back for an extension of Atlantic Avenue between Millbrook Road and Litchford Road with sidewalks on both sides.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of new sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated new sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 11/5/85

Effective:

RESOLUTION NO. 1985-999

A RESOLUTION TO DIRECT THAT THE WATER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU-1985-25 - Installation of approximately 800 feet of 24-inch and 1,750 feet of 12-inch water main from an existing 24-inch water main stub continuing for approximately 800 feet, 24-inch water main southeasterly along the proposed the

Green Forest Road alignment to the proposed 42 inch water main of proposed Atlantic Avenue; thence easterly from the said 42 inch water main to McHines Place with a 12-inch water main for approximately 1,750 feet.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 11/5/85

Effective:

***STREET IMPROVEMENTS - ATLANTIC AVENUE - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This is a hearing to consider the installation of curbs, gutters, drains, and paving 65-feet back-to-back for an extension of Atlantic Avenue between Millbrook Road and Litchford Road with sidewalks on both sides, with assessment to apply. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing to the public. Attorney Marvin Musselwhite representing North Boulevard Industrial Park was at the meeting indicating they are in favor of the project; however, he explained he wanted to remind Administration of an agreement relating to these street improvements as it relates to assessment. No one else asked to be heard, thus the hearing was closed. Mr. Congelton moved adoption of a resolution directing the project as advertised. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 998.

***ASSESSMENT ROLL 1025 - EVERGREEN AVENUE - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for the installation of a sewer main in Evergreen Avenue according to charges outlined in Preliminary Sewer Assessment Roll 1025, adopted on October 1, 1985, by Resolution 957. Chief Engineer Thomas explained the work that has been completed. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-1000

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL 1025

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the fifth day of November, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985-957 adopted on the first day of October, 1985, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll 957," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 11/5/85

Effective: 11/5/85

***STREET CLOSING - ARDEN CIRCLE - HEARING - RESOLUTION CLOSING STREET WITH CONDITIONS ADOPTED

This was a hearing to consider the permanent closing of a major portion of Arden Circle. The hearing is pursuant to petition, resolution of intent, notification and advertisement as required by law. Planning Director Chapman explained the proposal pointing out this would close a portion of the existing right-of-way of Arden Circle and Arden Circle would be relocated as outlined in Subdivision S-165-85. He indicated Administration has no objection to the closing, as long as the following two conditions are met:

1. Surety arrangements to provide a cul-de-sac at the end of the remaining street section until development plans for this tract are approved again.

2. A recombination plat for all lots which will not front a public street must be recorded prior to Council approval of the street closing.

The Mayor opened the hearing to the public. Ms. Cates asked to be excused from participation in this matter. Without objection, Ms. Cates was excused.

Attorney Sam Johnson, representing Lightfoot Investments, indicated he was at the meeting to answer any questions. He pointed out there will be a new alignment. No one else asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of a resolution ordering the closing with the conditions as outlined by the Planning Director. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative, except Ms. Cates who was excused. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 1

A RESOLUTION ORDERING THE CLOSING OF ARDEN CIRCLE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of Arden Circle right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Arden Circle be closed permanently as follows:

That portion of Arden Circle beginning at the Eastern line of Lots 130 on Wake County Tax map page 432 (Tract 2, Book of Maps 1978, Page 861) and map page 432 Lot 63 (Lot 33, Book of Maps 1948, Page 109) and following the right-of-way of Arden Circle in a Southwesterly direction, thence turning to the South as Arden Circle forms a loop (the Southern portion shown on Wake County Tax map page 461), and thence proceeding in a Northeasterly direction to a point between map page 432, Lot 25 (Northernmost corner) (Lot 27 (Northernmost corner) Book of Maps 1948, Page 109) and map page 432 Lot 21 (Easternmost corner) (Lot 30 (Easternmost corner), Book of Maps 1948, Page 109), where the loop of Arden Circle is joined. References to lot numbers are from the attached Wake County Tax maps. References to Book of Maps in parentheses are to maps recorded in the Wake County Registry.

CONDITIONS OF CLOSING:

a. Surety arrangements to provide a cul-de-sac at the end of the remaining street section until development plans for this tract are approved again.

b. A recombination plat for all lots which will not front a public street must be recorded prior to closing becoming effective.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 11/5/85

Effective: See Conditions Above

***STREET CLOSING - OLD LASSITER MILL ROAD - HEARING - STREET TO REMAIN OPEN; SAFETY CONCERNS - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a hearing to consider the permanent closing of a portion of Old Lassiter Mill Road. The hearing is pursuant to petition, Resolution of Intent, notification and advertisement as required by law. Planning Director Chapman indicated this is a petition to close a portion of Old Lassiter Mill Road and Administration had suggested several conditions including that the curb and gutter along Lassiter Mill Road be restored, the paving be removed from the abandoned right-of-way and the area be seeded and that an appropriate turnaround be constructed at the end of Old Lassiter Mill Road; that a subdivision application be submitted for City Council approval of the right-of-way dedication required for the turnaround at the closed portion of the street, prior to the effective closing of the street; that twenty foot easements be retained and recorded for water and sewer mains located in subject right-of-way and a ten foot easement be recorded for an existing gas line located on site; that the cost for closing the street be borne by the petitioning property owners. Mr. Chapman explained the location of the proposed cul-de-sac, etc. The Mayor opened the hearing to the public.

Albert R. Bell was at the meeting representing the petitioners, indicating he lives on the street. Approximately ten persons stood in support of the closing indicating they were represented by Mr. Bell. Mr. Bell explained they propose to underwrite the cost of the closing. He explained they are private homeowners in a neighborhood and this closing would not change the neighborhood in any way. They do not feel the property owners would be effected, nor would this encroach on the identity of the neighborhood. He indicated since this item was in Public Works Committee he understands that opposition has developed and he is sure it is sincere opposition; however, the opposition can be characterized as being for convenience sake not safety. He explained the streets in the area, and pointed out he understands part of the opposition to this arises out of the neighborhood along Williamsborough Court. He indicated the people who are opposing have driveways that lead to a large nice, well-maintained street. He indicated it is hard to compare that situation to their situation, as their driveways open onto a small narrow street that is not maintained and creates a safety hazard. Mr. Bell explained at length safety problems perceived by the people who live on Old Lassiter Mill Road. He explained one can be traveling away from North Hills Shopping Center on Lassiter Mill Road and make the turn to Old Lassiter Mill Road by just a small turn of the road; therefore, the traffic comes off Lassiter Mill onto Old Lassiter Mill traveling very fast. He explained problems of getting into and out of driveways and accidents, or near accidents that have occurred. He also explained the neighborhood has changed in character as they now have nine relatively young children. He explained the Department of Transportation indicates a lack of accidents and he attributes that to the people living on the street becoming skillful in being able to avoid accidents with other cars, or accidents involving pedestrians. He again explained the opposition is there mainly because of convenience of using Old Lassiter Mill rather than utilizing Marlowe Road. He explained a stop light at Marlowe would be helpful, but at least making the 90° turn onto Marlowe slows the traffic down. He pointed out that at least one property owner who is opposed indicated she is opposed, because she would have to slow down to make the turn onto Marlowe, rather than going onto Old Lassiter Mill. He indicated no improvements would be required at Marlowe if Old Lassiter Mill were closed, there would be no economical impact on anyone except the petitioning property owners. He pointed out a traffic count shows 450 cars use Old Lassiter Mill Road in a 24-hour period and much of that traffic is the people who live on the road, explaining one person who was opposed to the closing was observed driving back and forth over the counter to increase the traffic count. He indicated Emergency Services would not be hampered as he feels the area could be served without any delay in time. Mr. Bell again indicated the petitioning property owners would be responsible for any cost involved in creating a cul-de-sac, and he feels that this is a decision of safety not convenience. The resident at 3709 Old Lassiter Mill Road explained problems of entering and exiting his driveway and the number of tire marks that were caused by people having to apply their brakes to avoid hitting someone.

Earl Johnson, 1001 Marlowe Road indicated he has lived in this area over sixteen years and Old Lassiter Mill Road is a neighborhood street. He indicated he wished everyone could live on a sixty foot wide street, but just because Old Lassiter Mill Road is a narrow street does not mean it is not used and needed. He indicated he represented eighty-five families and presented a petition in opposition to the closing, which he explained was signed by sixty-two persons. Five persons stood in opposition to the closing. He indicated it is a matter of convenience and that is why they want the street to remain open. Glen Rhodes, 1101 Marlowe Road spoke in opposition to closing the street, pointing out is almost impossible to get out of Marlowe Road. He indicated he knew that the nature of the intersection of Old Lassiter Mill and Lassiter Mill Road is such that it does encourage speeding. No one else asked to be heard, thus the hearing was closed.

Ms. Block indicated this City Council does not normally close a street in which there is opposition to the closing. She indicated the Public Works Committee did consider this and recommended that the Public Hearing be held, but it would not have been a unanimous vote on the Committee to close the street. She briefly went over facts that were presented to the Public Works Committee about the use, lack of accident history pointing out it is hard to improve a perfect safety record. She stated she would find it difficult to close a street, unless there is a real problem. Ms. Block moved that this item be removed from the Agenda with no action taken. Her motion was seconded by Mr. Keller.

Ms. Cates indicated she feels that we do need to explore all options and if there is a safety problem, and from the comments that have been made, evidently there is a safety problem, she feels that should be addressed. Ms. Cates made a substitute motion to refer this item back to Public Works Committee to look at all of the options. The motion did not receive a second. The motion to remove the item from the Agenda with no action taken was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

Ms. Cates indicated she was concerned about the safety of this area and she would like to refer to Public Works Committee the safety problems in the vicinity of this intersection and get a report from Administration. She indicated she had received a call from a person on Old Lassiter Mill Road suggesting an alternative to help improve the safety and she would like to look at that suggestion as well as any other. Without objection, the safety problems at the intersection of Lassiter Mill and Old Lassiter Mill were referred to Public Works Committee.

***ANNEXATION - MILLBROOK BAPTIST CHURCH - HEARING - ORDINANCE ADOPTED EFFECTIVE DECEMBER 31, 1985

This was a hearing to consider the annexation of Millbrook Baptist Church. The hearing is pursuant to petition, notification and advertisement as required by law. Planning Director Chapman explained the area in question. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed.

Mr. Congelton moved adoption of an ordinance annexing the Millbrook Baptist Church property effective December 31, 1985, and adoption of a resolution placing this area in City Council Electoral District A. His motion was seconded by Mr. Walters and a roll call
vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 669

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS MILLBROOK BAPTIST CHURCH

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on November 5, 1985 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1985:

MILLBROOK BAPTIST CHURCH

Beginning at a point in the existing (10/1/85) Raleigh City Limits, said point also being in the northern right-of-way line of the existing 60-foot right-of-way of Millbrook Road and the southeast corner of the Millbrook Baptist Church Lot; thence with the western property line of the Millbrook Baptist Church Lot and said City Limits North 00 degrees 30 minutes 20 seconds East 594.85 feet to a point (iron pipe); thence with the northern property line of Millbrook Baptist Church Lot South 88 degrees 49 minutes 40 seconds East 468.11 feet to a point (iron pipe); thence with the eastern property line of Millbrook Baptist Church Lot South 00 degrees 29 minutes 33 seconds West 595.09 feet to the southeast corner of Millbrook Baptist Church Lot, said point also being in the northern right-of-way line of the existing 60-foot right-of-way of Millbrook road; thence leaving said City Limits North 88 degrees 47 minutes 40 seconds West 468.29 feet ± along the existing northern right-of-way line of Millbrook Road to the point of Beginning, a parcel of land containing 6.39 acres according to a survey map of Millbrook Baptist Church by Lawrence W. Akers, RLS dated July, 1973.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the city of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1985.

Adopted: 11/5/85

Effective: 12/31/85

RESOLUTION NO. (1985) 2

A RESOLUTION TO AUTHORIZE THE INCLUSION OF MILLBROOK BAPTIST CHURCH IN CITY ELECTORAL DISTRICT A

WHEREAS, The City Council of the City of Raleigh did, by Ordinance No. (1985) 669 adopted November 5, 1985 annex a parcel of land being commonly referred to as Millbrook Baptist Church and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Millbrook Baptist Church as described in Ordinance No. (1985) 669 be added to City Electoral District A.

Adopted: 11/5/85

Effective: 12/31/85

***DOWNTOWN EAST/EASTSIDE REDEVELOPMENT AREA - PLAN AMENDMENT - HEARING - RESOLUTION ADOPTED

This was a hearing to receive citizens input on the preparation of a redevelopment plan amendment to a portion of the Downtown East/Eastside Redevelopment Area. The Redevelopment Plan Amendment Project Area includes certain properties within and adjacent to the 300 and 400 Blocks of South Person Street and along East Davie Street between the Fayetteville Street Mall and South Person Street. The project area is referred to as Phase II - Downtown East Housing Site.

Downtown Planner Betts explained the proposed redevelopment plan amendment as well as plans that have been approved for the housing. The Mayor opened the hearing to the public. Tom Conway, a member of the Eastside Task Force, indicated they have a great deal of concern about getting the information out and people are asking questions about what will happen to the areas adjacent to this property. He indicated to the Task Force and the neighborhood would appreciate any assistance they could get in getting information out to the people involved. He also questioned if the parking lot for the church would have to meet the same standards of the redevelopment codes in terms of landscaping, with Mr. Betts pointing out it is an existing parking lot. No one else asked to be heard, thus the hearing was closed.

Mr. Calloway asked that the City use any mechanism available to it to get this information out so that the people will know what is going on. Mr. Conway suggested the possibility of having someone from the City go door-to-door to explain this information and interpret the information for the people. Mayor Upchurch indicated there is a certain amount of anxiety as to what happens to the next area. He indicated no one knows what will happen to adjacent areas, but we do need to get factual information out as to what is proposed for this area. Mr. Conway pointed out the Task Force would like to see City Council Members attend some of the Task Force meetings. Mr. Calloway moved adoption of a resolution approving the plan amendment. His motion was seconded by Mr. Walters and a roll call resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-3

PHASE II DOWNTOWN EAST HOUSING REDEVELOPMENT PLAN AMENDMENT TO THE DOWNTOWN EAST/EAST SIDE REDEVELOPMENT PLAN

WHEREAS, the City of Raleigh is undertaking a comprehensive program of downtown revitalization involving public and private sector cooperation in redevelopment and rehabilitation; and

WHEREAS, as part of this program, the City adopted on January 19, 1982, the Downtown East/East Side Redevelopment Plan; and

WHEREAS, this plan provides a framework for future specific redevelopment projects to be added as amendments as they are identified and duly adopted by the City; and

WHEREAS, the Phase II Downtown East Housing Redevelopment Plan has been prepared identifying specific redevelopment actions and funding, as well as public improvements in support of redevelopment; and

WHEREAS, the Phase II Downtown East Housing Redevelopment Plan has been reviewed and approved by the Raleigh Planning Commission on October 7, 1985, with the following recommendation:

> That the Phase II Downtown East Housing Redevelopment Plan be adopted with the addition of the provisions proposed by the East Side Neighborhood Task Force for the Downtown East Housing Program as incorporated into the redevelopment agreement between the City and NCNB Community Development Corporation. Specific reference should be made to the provisions for minority business participation in all aspects of the project and to the priority for replacement of affordable housing.

WHEREAS, the Phase II Downtown East Housing Redevelopment Plan was presented at a public hearing before the City Council, the Redevelopment Authority for the City of Raleigh, in accordance with North Carolina Urban Renewal Law; and

WHEREAS, the City Council on November 5, 1985, approved the Phase II Downtown East Housing Redevelopment Plan by a unanimous vote.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

The Phase II Downtown East Housing Redevelopment Plan is hereby adopted and amended to the Downtown East/East Side Redevelopment Plan and that the City will undertake redevelopment and public improvements proposed by the plan in accordance with the provisions therein and applicable State and Federal laws.

Adoption Date: November 5, 1985

***ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Gail G. Smith
City Clerk

mlh/CCM2/1